

NV MEN

INTERNATIONAL REVIEW FOR THE HISTORY OF RELIGIONS

EDITED ON BEHALF OF THE

INTERNATIONAL ASSOCIATION FOR THE
HISTORY OF RELIGIONS

by H.G. KIPPENBERG and E.T. LAWSON

VOLUME XLIII



LEIDEN
E.J. BRILL
1996

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NVMEN

ISSN 0029-5973

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PRINTED IN THE NETHERLANDS

THE REVIVAL OF MEXICAN RELIGIONS: THE IMPACT OF NATIVISM*

YOLOTL GONZÁLEZ TORRES

Summary

About thirty years ago, there was a deep transformation in Mexican society due, among other things, to the introduction of capitalist technologies and a geographical mobility of population which generated a generalized social crisis which allowed the massive penetration and proliferation of religious movements in Mexico. These were mainly Protestant in its different versions as well as groups of Eastern origins. Somewhat, as a counterpart movement, the "Mexicanidad"-Mexicaness, started to increase in popularity. The "Mexicanidad" is formed by three main groups which differentiate in many aspects, but have as their common goal the restoration of Mexico as the spiritual center of the world. We try to analyze the three different groups and its associations with each other.

All who are committed to the study of Prehispanic religions, above all that of the Mexicas,¹ concur along the general lines that this was a polytheistic religion whose gods represented the forces of nature, as well as mythical heroes who had been deified. They also agree that it was a state religion with an advanced level of organization and a complex priesthood and ritual structure, based upon a system of beliefs regarding which only some versions of their myths have been barely-preserved. At the time of the conquest there were numerous temples and distinct orders of priests. Although their pantheon included many gods, the principle deities were Huitzilpochtli, their patron god as well as the god of war; the gods of water, fire and sun; Quetzalcoatl, "the serpent Quetzal"; and Tezcatlipoca, "mirror of smoke".

These last two gods played a very important role and always appear as counterposed: Tezcatlipoca has been compared to the Supreme god, the Creator, who is known by a number of names and lives in the highest heavens, whereas on the other hand Quetzalcoatl is

a complex deity in whom a series of differing attributes are united. Amongst these is that of the cultural hero who ruled Tula, a mythic historical city, bringing prosperity and wisdom until he was tricked by Tezcatlipoca. The latter forced him to sin and abandon his city, heading for the east where, on the seashore he was incinerated and became the planet Venus, but not before predicting that he would one day return to his kingdom.

It was because of this prediction, the description of Quetzalcoatl as a white-skinned man with a beard, and also the omens which preceded the arrival of the Spaniards, that Moctezuma believed that the god had in fact returned to reclaim his rule. The figure of Quetzalcoatl has attracted a special interest amongst various researchers, in particular Laurette Sejournee (p. 65), who evolves a very personal reinterpretation of the Mexican and Toltec religions.² She writes:

The spiritual content of the Quetzalcoatl myth leaps to the eye: his distress at his sin, his passionate need to be cleansed; just as the bonfire bursts into light, it retains bright traces of a religious doctrine, singularly compatible with that in which humanity, by means of diverse symbolic languages, has known worldwide.

She also holds that (p. 131) the plumed serpent is a symbol of the Nahuatl religion, as it was the effigy of a consciousness of creative duality, although she maintains however that (p. 171) the Aztecs degraded this spiritual doctrine into a materialistic one, including many spiritual practices which were also brought down to this level. This, for example was her explanation of the Mexican rituals known as “gladiatorial fights” and the skinings which followed, in which a prisoner of war was forced to fight from a position of total disadvantage against four Mexican warriors, including one who was left-handed. Once defeated and sacrificed by means of the removal of the heart, the skin would be worn by someone who had taken the sacred vows and the corpse cut into pieces and divided. Sejournee reinterprets this as:

Evidence of initiation rites, protected by God who, in liberating the individual from temporal limitations, opens the gates of infinity. The symbolism could not be more eloquent: after the union of opposites, dealt by the left-handed

warrior, the initiate is divested of his earthly covering (through the skinning) and is forever rid of his mortal flesh (the division and distribution of the corpse) (p. 171).

In addition to these beautified interpretations of Toltec religion, in recent years there has also been a tendency to deny the validity of documentary sources, above all those written by the Spanish or hispanicised Indians, sources upon which those of us dedicated to the study of Prehispanic culture must rely. One of the most controversial issues is that of human sacrifice and also cannibalism, both of which have been fiercely contested by a certain section of members of the Mexicanidad-Mexicaness movement.

This theme has been contested not only regarding Prehispanic peoples of Mesoamerica, but also on a universal level by some scholars. Thus in his book of the Man eating myth, Arens assures his readers that there is no concrete or certified evidence to confirm that the so-called "primitive people" practiced cannibalism, and that it is all an invention of westerners for the sole purpose of denigrating these peoples. In the same vein, some Mexican authors, such as Ferré, have written books which, pretending to defend the indigenous peoples, mark out for attention all those researchers like myself (1980), who do indeed confirm the existence of human sacrifice among Mesoamerican peoples, arguing that in so doing we are complicitous in their denigration at the very moment when one should be taking their part. This is of course an emotional rather than a scientific argument and, although it merits sympathy, should not be taken into consideration in serious works of research.

There is no doubt that in ancient Mexican society an esoteric knowledge was kept in the hands of the *tlamatinime*, or sages, amongst which was included the use of calendars which emphasised the importance of Venus. This knowledge we can barely glimpse in the codices and archeological ruins which disappeared after the systematic destruction of the temples and manuscripts, forcible conversion of the population, and the persecution and punishment (including the death penalty) of all who committed the offence of "idolatry". To this we can add the dramatic decrease of the population due to illnesses

introduced by the Europeans, which would have killed off those sages who were still in existence. Some writers (Warman, p. 212) claim that before 1560, the process by which one religion substituted the other seemed complete and, by the Eighteenth Century, when Boturini came to Mexico to gather a collection for his “museum”, in pursuit of indigenous documents so that he could write a history of America, it was impossible for him to find anyone to translate and explain them. He mourned that:

The worst thing of all is that I cannot find today a single person amongst the Indians who can cast any light upon the subject. There appears to have been a conspiracy of envy and time which resulted in the obliteration of all that was most precious and, with a seemingly indiscrete zeal they set aflame all those antique monuments which came into their hands. Those which escaped the flames, maintained in their natural homes, collapsed with the passing away of their owners, in the custody of women and children who broke them into pieces before they turned to dust. In summary, nothing is left of past times but slight remains and when one speaks to the Indians regarding this topic, they listen avidly, but the old things appear to them as though they were new inventions. Provoked further to respond, they do so in a kind of delirium, as though they were dreaming. Don Fernando de Alva Ixtilxochitl writes to the same intent in his prologue to the manuscript of the General History of New Spain. Wishing to find among the nobles someone who would help him to reinterpret the lineage of the gentility, he travelled great distances for some years before 1600 in search of the oldest and wisest. But he found no more than two, who could give him only very little news, and the others spoke such nonsense that one could do little else than laugh, but also feel inconsolable. Which goes to confirm that through such journeys to the same extent and purpose one century later, and more, I found almost all the history of that scientific part of the New World in the Indies totally buried in forgetfulness.

This was not the case with popular religiosity which continues to this day amongst the different ethnic groups, with their own specialists, with different grades of mixtures, interpretations, superimpositions, or in parallel forms to the Catholicism which was imposed. There are also ethnic groups with whom the attempt at conversion failed and who conserved their ancestors’ religion, as in the case of the Huicholes, although obviously altered to accommodate contemporary demands, as would occur in any living society.

The efforts at conversion over five centuries resulted in Mexico's majority religion becoming a baroque Spanish Catholicism which has suffered enormous setbacks, above all in the last decade under the aggressive evangelism of various different Protestant denominations which brought with them grave inter-religious problems in Indian communities. Moreover, in the urban centres religious forms have flourished throughout all social classes, some of these truly Mexican forms such as Trinitarian Marian Spiritualism (Ortiz Echaniz). Fairly recently, other religious movements have arisen which, although we have grouped them under the terminology of "Mexicanidad", are constituted by distinct groups with different origins and interests, but which have, as one of their primary aims, the revival of the spiritual values of the ancient Mexican culture, primarily that of the Mexica. Many of their members adopt the character of the Indian as a form of identity although they are so neither by religion nor race.

Among the country's different aboriginal ethnic groups we have therefore the continued existence of a form of religiosity which contains a large quantity of Mesoamerican elements, some of them mixed with Catholicism. But the organised religion of the Mexica State and its astronomical, mathematical and historical knowledge disappeared. The Mexican population, especially that of the urban centres, became homogenised and culturally mixed independently of their genes. During the colonial period all the values and knowledge of the Prehispanics were ignored and we have seen how in the Eighteenth Century it was an Italian who was interested in the recovery and study of those codices and manuscripts referring to Mexican antiquity. Afterwards, another foreigner, Baron Von Humboldt, travelling through Mexico at the end of the colonial period, also showed an interest in ancient Mexican civilization. After Independence, at the end of the Nineteenth Century and beginning of the Twentieth (Garcia Quintana, p. 15) there was an anti-Hispanic reaction and the ancient civilization began to be taken into account. In 1826, only four years after Independence, the masons who were members of the Rites of York, which repudiated the Spaniards with particular vengeance, founded the "Indian-Aztec" Lodge.

Despite the gloss that many intellectuals and politicians had lavished upon the ancient indigenous population, the majority of the Prehispanicists considered this facet of the past to be part of their own history, to the same extent as was the colonial epoch. Later, various historians, some of them speakers of Nahuatl, undertook the task of seeking out, rescuing, revising and publishing documents on the ancient Mexicans and their civilization, but none of these regarded themselves as Indians, much less believed in the Mexica religion. The famous president, Benito Juárez (a pure Zapotecan) who passed the Reform Laws 1856-59³ never once intended to adopt aspects of the native culture. On the contrary, he was a typical Latin American liberal. Maximilian of Austria, paradoxically, was more sensitive, not only to “antiquities”, but also to the living indigenous culture. Altamirano, a writer and teacher, and also a pure Nahua native (Warman, p. 127), lived in a permanent state of wonder before the deep mysteries of indigenous Mexico. All of the above demonstrate the distance which four centuries of colonization, and afterwards, domination, by the Hispanic culture had provoked in Mexican society with relation to its past aboriginal culture.

Although the Reform Laws diminished the power of the Catholic Church many of those who had fought its sway continued to be Catholic, and others who were sympathisers and promoters of the introduction of Protestant groups, as well as many others who belonged to a Masonic Lodge—all looked upon the ancient Mexican religion with horror and the practices of the Indians as superstition. The ideal of a homogenized nation with a “cosmic” race (product of mixed Indian and Spanish blood) in search of progress, at the same time censured live Indian peoples, and all that was associated with them from language to costume and dress in general. However, it was necessary to encourage nationalism and to create heroic figures. Thus Cuauhtémoc was chosen as a symbol of the fight against the Spaniards. Despite the exaltation of this Prehispanic figure and that the ruins in Teotihuacan began to be excavated, the Indians continued to be regarded as backward, shunning advancement and all that needed to be adopted for the advancement of Mexico.

The Revolutionary Movement came to change this situation somewhat, but still at the time of Carranza (1913-40) the use of the white "calzón", a pyjama-like garment which had been in popular use for a long time by the peasants, especially the Indians, was prohibited. He made them buy and use trousers! Also around 1921-24 in the State of Tabasco, its governor Garrido Canabal forbade the Catholic religion, but he also forbade the Indians to speak their languages, to use their clothes and to practice any of their own rites. Until very recently, the teachers who went to teach in rural regions also forbade their pupils to speak in their own language, not only making education more difficult but also making the children feel that their's was an inferior language.

This schizophrenic situation of Mexicans persists to the present. On the one hand the National Museum of Anthropology was built to display what was our great civilization, and on the other the Indians are considered the ugly ducklings of whom Mexicans have been ashamed for centuries and who are now beginning to show their faces in a more assertive manner.

During the last 30 years the deep transformations have been experienced by the whole of Mexican society, "generated by industrialization and accelerated urbanization, the unequal development of different regions and the penetration by refraction of new capitalist technologies and methods of exploitation of resources, the geographical mobility of populations drawn by the cities and development zones, in sum a generalized social crisis which is linked with psychological problems of uprooting which lead to changes of religion and identity" (Giménez, p. 41). All these have facilitated the massive penetration and proliferation of religious movements in Mexico, most of which are derived from Protestantism in its different versions, as well as the ramifications of groups, sects⁴ and pseudo religious organizations of Eastern origin and introduced in our country mainly by Europeans and North Americans.

Due to the situation which favours the development and gestation of such phenomena, and somewhat as its counterpart, the movement of "la mexicanidad" is developing. This movement as far as we have

been able to understand, is not homogeneous, and is one in which basically three different groups can be distinguished, each one formed by members of a certain type, with its own rules, its own goals and its own genesis; these only maintain links amongst themselves in their desire to restore Prehispanic values and spirituality, and materially in time and space and to some extent in certain ceremonies. These groups are: that which is known by the name of *Movimiento Confederado Restaurador del Anahuac* (Confederate Movement for the Restoration of Anahuac), the MCRA, another we shall name as “*la Tradicion*” and the one formed by the followers of Regina or “*Reginos*”.

The origin of these movements varies according to their social, political or cultural conditions and to their spiritual lack which may become potential sources for individuals to leave their majority tradition. In subjective terms they can include otherworldly traditions, even though in these instances the attractions are mainly of an emotional or intellectual kind and of a search for identity, which as Giménez (p. 27) says should not be conceived of as a paradigm of identification, but as an active and complex process, historically situated and a result of conflict and struggle, which is the reason why one of its characteristics is flexibility.

In relation to the origin of the *Movimiento Confederado Restaurador del Anahuac*, MCRA it can be noted that during the decade of the twenties and thirties, small groups of persons got together, especially in Mexico City, to teach Nahuatl, the language spoken by the Aztecs and some ethnic groups still existing in Mexico, and the handling of the Aztec calendar, and from within these circles an important personality came to prominence: Jorge Nieva, who brought cohesion and form to the movement of “*la Mexicanidad*”. Nieva was a lawyer and until his death held posts of considerable importance in the Mexican government and he also wrote a column in the newspaper *El Universal*. He was an active participant in the formation of groups whose aim was to seek an identity. First he was part of a Creole movement, whose followers maintained that those were the true Mexicans, looking down upon the Indians and the foreigners. After

that he assumed himself to be a Mestizo until he decided to adopt an Indian identity. Around 1947 he had a revelation, when he was summoned by the "Council of Elders"⁵ at Xochimilco, along with other young men among whom was Tlacaelel (Tlacaelel, p. 304), whom we shall discuss later, who had been selected to perpetuate "la Mexicanidad". In this meeting they were given the order left by Cuauhtemoc, the last Mexican Emperor, before the surrender of the city of Tenochtitlan. In 1957 he renounced his Catholic religion and in that same year founded the "movimiento mexicanista" (mexicanist movement) or Metzikayo Ahcomanalli and launched the doctrine of Mexicanidad (Gomez 1993, p. 116) one of whose proposals was to restore the Nahuatl language to the exclusion of any other (Gomez 1993, p. 121). In 1959 it became the Movimiento Confederado Restaurador del Anahuac, comprised almost totally of professionals, among whom was Eulalia Guzman, a controversial anthropologist who denied the practice of human sacrifices by Prehispanic peoples and who was in charge of "discovering" the bones of Cuauhtemoc, which according to one tradition had been buried in the church of Ichcateopan in the State of Guerrero. Nieva also fought against the celebration of the "day of the race" in October in remembrance of the arrival of Columbus to America.

In 1967 Nieva made his real political intention explicit, founding the "Partido de la Mexicanidad" (party of la Mexicanidad) and preparing to govern the country. However, just as he was getting ready to propose himself as the presidential candidate for the presidency of the Republic, he fell ill and died. Apparently when he took the political step of founding the party he did not enjoy the support of the "autochthones" or priests and it is rumored that that was the cause of his death.

The last years of Nieva at the helm of the MCRA coincided with an atmosphere of maladjustments in the global society which Bonfil (p. 18) attributes to "accelerated transformations of several spaces into the whole of economic relations, linked to the deterioration affecting the majority of people, which lead to an intensification of spiritual search and of new religious experiences", at a time when the oriental

sects were having stronger influence in Mexico (the Great Universal Fraternity had already introduced yoga); Wasson in his books encourages the use of hallucinogenic mushrooms; the town of Huauhtla in Oaxaca becomes a center for the search of extrasensory experiences by means of the hallucinogenic mushrooms, with Maria Sabina as the great priestess. In addition, the spirituality of the North American Indians is discovered through the works of Castaneda; the ecological movements grow into prominence and there is a recognition of alternative medicines, among which traditional Indian medicine plays an important role with all its magical and religious qualities. This is not to forget the existence of Marian Trinitarian Spiritualism, a popular Mexican religion which also contributed with its share of the supernatural, and, in certain strata of the population, the presence of a high level of frustration, pain and anger owing to extremely shocking events such as the 1968 student's massacre. Perhaps here we could fit Gramsci's observation about the correlation between the existence of the absence of political liberty and the proliferation of religious sects.

At a global level in the sixties there were a great number of religious separatist innovations, above all in the urban media, which together became a new force in the field of religion. Many of these sects had as their main concerns the real self, as well as the intense experience of the numinous and practical methods to improve their quality of life. These movements have been even classified as forms of escapism, as they try to isolate themselves from the modern world. (Robbins and Anthony).

All this contributed to the transformation of the MCRA, because even though Nieva was not "a big deal in esoteric matters" an important section of the members of the organization were interested in these topics, among them the specialists in occult knowledge, the "autochthonous or aboriginal priests" who indicate the correct path to follow, those who decipher the ancient codices and the ones who prophesy.

In the life histories of some of them (Guemez 1984 and Tlacaoel) one can see that at a certain stage of their lives they became in-

volved with different esoteric groups such as masons, spiritualists, or the “world association of supreme truth” etc., and also had communication with a teacher who taught them new esoteric and healing techniques, besides which many of them were drawn to the mexicanidad path through visions which they had before being called by the “Council of Elders”. Tlacaelel says that besides having had extrasensory experiences since he was a child, he was struck by a thunderbolt four times, which for many Indian traditions means that he had been chosen by the water gods to be a “granicero”, that is a healer, who is able to handle the illnesses of “cold type” and a “rain maker”, a power which Tlacaelel claims to have.

The MCRA, within which are included a number of different groups which share more or less their cosmovision and their ideology, has been involved in a process of transformation through the years and through these events, entering into globalization, influenced by currents and new social movements which have appeared in the last decade. Within a culture with a greater syncretism and an increasingly bureaucratic social structure in a return to the religious with novel forms (despite predictions to the contrary, with the secularization theory) has appeared as well as different types of macronationalistic crises and the rise of others, erosion of the great regional blocks, and world erosion of prospective as well as utopian “identities” (as in the case of socialism). As a reaction to the needs of “emotional communities” of reduced type, there is a reaffirmation of “identities” and a proliferation of empathetic microgroups such as sects, youth bands, base communities, etc. all of them encompassed by Maffesoli (cit Giménez, p. 8) under the denomination of neotribalism.

The members of the restoration movement intend to revive an idealized form of the Mexica culture, of what they think was their social organization, their beliefs and their spiritual values. They claim that the Mexica had the most perfect democracy in the world and that there were no social classes, kings or emperors. At present the members of the MCRA are ruled by a superior organ called Uey Tlahtoque or Teo Huey Tlahtoque, a Council composed of two main positions, the “Tekutli” or Great Executor and the “Ziuacoatl” or Great Admin-

istrator. They are organized in *kalpultin*, which is the name of an ancient form of organization of most of the Mesoamerican people, which referred mainly to a localized group of people who were probably also related through family ties. Each of the *kalpultin* of the MCRA has a certain autonomy, and is based on “pre-kuauhtemicos” principles (they refuse to use the word Prehispanic and instead use *prekuahtemic*: before Cuauhtemoc) which they say are based on self-sufficiency, autonomy, good faith, solidarity, fraternity and self government. In 1979 Guemez (1984) registered 10 *kalpultin* belonging to the MCRA, some of them simple cooperatives with the name of *kalpultin*, which were located in different parts of the city and the republic, including two in the United States, one in Chicago and one in Michigan. Even without the availability of modern data, one can safely assume that this amount of *kalpultin* would have tripled or quadrupled in number. Some of them have their *kalmekak*, that is school of Prehispanic or *prekuahtemic* type, like the one of Coacalco whose director is Tlacaelel, and another, Omeyotl which is formed by a dissident group whose leader maintains that he is only interested in training cadres and he believes that the Aztec belong to a higher race and the Jews to a lower one. The *kalpulli* of Tlacaelel has become a popular center of spiritual preparation in the tradition of mexicanidad. Several groups of young people have been trained here and some foreigners are even part of it.

Some of the members of the MCRA have formed organizations like the Center of Culture and Mentality of Anahuac or the Council of Tradition and Culture of Anahuac, whose main activities are the teaching of the Nahuatl language and the philosophy of Anahuac. They insist that a new history of the Prehispanic peoples should be written, arguing that the one written by Mexican scholars is false as it is based on a partial and false version given by the Spanish chroniclers.

Their vision of the past Mexica culture is absolutely ethnocentric, placing it in the center of a series of myths which they have recreated. They have proposed that the rest of the prehispanic cultures: Mayans, Olmecs, Teotihuacans etc. were of Nahua affiliation. They claim that

long ago the Naga-maya (Guemez 1984, pp. 27, 28) set sail in the Atlantic, and upon crossing arrived, through the Hercules columns, in Egypt, where they became the advisers of the Pharaoh, who was overwhelmed by so much wisdom, and they were known by the name of Atlantes. Socrates and Plato took the Mexica culture to Greece and later to Rome. *The Republic* and *The Dialogues* comprised the inheritance of Anahuac culture (Guemez 1993, p. 66).

One of the “autochthones”, Mr Martinez (Guemez 1984, p. 66) claims that the paradise which has been sought by the scientists is in the Ajusco (a mountain South of the Valley of Mexico), where 1200 tablets of the Naga-maya “which they say is of the Hindu culture” were found. Some of them also identify the true teaching of Christ with the teachings of the Mexicas and they recognize the Age of Aquarius, which according to them is the fifth sun.⁶

All these facts fit very well with what Barth and Hobswan (cit Giménez, pp. 25, 26) claim that “not all the cultural traits which are registered by the external observer are equally pertinent for the definition of identity, but only some of them, which are socially selected, hierarchized and codified to mark their frontiers in a symbolic manner to interact with other social actors. Moreover, at the time that social identity tends to act as a sort of idealized superego, the social act may invoke, in order to define its identity, cultural traits which are objectively inexistent and even invented traditions”.

Part of the activities of the MCRA consists in organizing proselytizing acts in the style of civic religious performances, especially in the Central Square of the city, in front of the monument of Cuauhtemoc, or in some of the archaeological sites.

Many of the public activities have been sponsored by the government, first thanks to the contacts Nieva had in the Government and afterwards because they formed part of those public acts with a more nationalistic tinge. Some of these activities have been acquiring a letter of naturalization and form part of the social-civic activities organized by the Government, for instance the Ceremony of the New Fire which is organized in the quarter of Iztapalapa (an old village which has merged into the city and where in Aztec times, every 52

years a big ceremony was held to light a new fire), by its Political Delegation and a group of Aztec dancers. In the same manner the government of the State of Nayarit, where Aztlan, the mythical original place of the Aztecs was supposed to be, has performed several civic religious ceremonies, in which groups of the Mexicanidad have participated. Aztlan has become a very important symbolic place for the Chicanos.

The main public celebrations held by the people of the Mexicanidad take place during the solstices, the equinoxes, the Zenith-crossings of the sun, the New Fire, the Great festival of the New Shoot or the Maiden of Spring, and of the New Year of Anahuac held on the 13th of August when the fall of Tenochtitlan is mourned and the anniversary of the discovery of the bones of Cuauhtemoc.

The cult of Cuauhtemoc has great importance in the movement of la Mexicanidad, for his is an attractive and tragic figure. He was barely a child when he was chosen as the last emperor of the Aztecs after Moctezuma had been killed and the city was under siege by the Spaniards and their Indian allies. After a brave defense of the city he was forced to surrender and was taken prisoner by Cortes and along with other Indian leaders tortured by burning the soles of his feet in the attempt to make them confess where Moctezuma's treasure had been buried. Afterwards Cortes took Cuauhtemoc along with him on one of his incursions into the South of Mexico and hanged him from a tree. It is said that on the 12th of August, one day before the capitulation of Tenochtitlan, he sent a war dispatch, announcing the imminent surrender of the city, and the following day he issued a message directed to "Mexicans of all times" in which he requested that everything which they loved and considered a treasure be hidden and the knowledge preserved through oral tradition. Fifty years ago, when the "Council of Elders" called, among others Nieva and Tlacaelel, the message was made explicit, with the order to rescue the culture of Anahuac (a synonym of Mexico). Cuauhtemoc became the Great Spirit, and as the living symbol of the ancient culture, he appears to the mediums and the spiritual healers and guides them in

their cures, and a messianic movement has now been created where he is considered the future Messiah.

The cult of his figure started a short time after Mexico gained its independence from Spain. As far as we know the masons were the first to incorporate him into their calendar of saints and in 1890 in the Aztec lodge a great wake was held in front of the altar of the hero. In the historiography of the nineteenth century Cuauhtemoc is praised by liberals as well as by conservatives. The image given of him as a brave, noble, pure, intrepid man, did not spread among the people, and only touched a small circle. However, the government orchestrated the exaltation of the hero even while the living Indians were despised, the ancient civilization was praised, and Cuauhtemoc was a symbol they needed. During the government of Porfirio Diaz, who became a dictator, and who was known for his French tastes, an image of Cuauhtemoc was inaugurated in 1877. After that, government groups celebrated functions in his honor by propitiating his cult, and popularizing his name, which was adopted by mutualist societies and masonic lodges which had close connections with the Government.

Around the fifties, there was a big controversy regarding an oral tradition which claimed that Cuauhtemoc's bones were buried in the church of Ichcateopan, in the State of Guerrero. Many experts were called to analyze the oral tradition, historical data and the bones themselves, and all concluded that they were not the bones of Cuauhtemoc. Nevertheless, due to political interests, they were declared officially authentic by the President of the Republic.

The cult of Cuauhtemoc took different paths and has been increasing in such a way that each year more and more people attend his celebration and dance the Aztec dance. At the same time the rancour and hatred towards Cortes and Columbus have been increasing. This was particularly evident during the commemoration of 500 years of Columbus' arrival in America and in the following "day of the race" anniversaries on the 12th of October. These have now been questioned by real Indian groups as well as by the groups of "la Mexicanidad", in such a manner that last year the statue of Colum-

bus which stands in the same avenue as that of Cuauhtemoc, was vandalized by some people who painted and attempted to destroy it.

Even if the members of the MCRA frequently maintain that the Mexica “did not have a religion”, in 1993 Tlacaelel inscribed his *kalpulli* as a religious association in the general office of religious affairs in the Ministry of the Interior, a category which was granted on the same day to the Presbyterian Church of Glory and Praise, the Biblical Church of Mexico in the Puebla zone, the Carmelite Monastery of barefoot nuns of Santa Fe, and so on. To receive an official inscription they had to present documents “which contain the fundamental basis of their doctrine, giving the number and name of their associates and their cult ministers as well as their representatives, proof of their antiquity and origins”.⁷ All these details were published in the official journal of the MCRA, the *Izkalotl*, of May 1995. This document includes the fundamental basis of their beliefs, part of which we herewith transcribe:

“Our aim is to rescue and preserve the main philosophical principles of the Mexicayotl (mexican-ness) of our Preamerican forefathers. We search for the relationship between identity and the cosmic energy of existence which leads human beings to spiritual improvement, harmony and coexistence with nature. We consider that men are born free, but their life being mortal, transitory and relative, it is the function of permanent collectivity, independently of the social position in which they happened to be born but always with the possibility of superceding this according to its beneficial effect to the community. As an organization it teaches that all human beings are brothers and that all forms of life are part of the same cosmic family. Therefore we believe that all expressions of energy and life in the cosmos are the expression of a Universal Creator, who is conceived by each individual in a very personal way and form. We emphasize that we do not worship different gods, but we do venerate the expression of the force of the Great Spirit in Nature and in ourselves. In this sense, we recognize among others, the following representations of the Mexicayotl: Tonal Teotl, our father the sun; Nahui Ollin, time and evolution; Mikiztli, true Medicine; Quetzalcoatl, cosmic intelligence; Huitzilopochtli, the Will force; Tezcatlipoca, the Memory; Tonal, the Force of Destiny; Zem Anahuak, the World, our House; Teoxihuitl, our Temples and Pyramids; Nahual, subconscious; Tloke Nahuakeh, our Origin; Ome Teotl, our Dual Principle.”

“For this purpose the Mexicayotl, designed by our grandfathers through the Great Spirit of Creation recovers ceremonies and actions which allow our exis-

tence to be guided, for this purpose Kaltonal practices among others the following ceremonies”:

“Tonalpohualli, Count of time and our destiny which gives the name of our children.”

The *tonalpohualli* was the 260 days Mesoamerican ritual calendar with mainly augural purpose, working as a sort of astrology for everything but specially for the day on which a child was born was registered and accordingly, he was given a name and a destiny.

“Temazcalli. House of purification, where we retake symbolically our mother’s womb to be born.”

This is a steam bath which was used all over Mesoamerica basically with medicinal ends. Tlacaelel uses it to obtain mystic experiences and says that it is here where most people have their first vision (Tlacaelel, p. 265).

“Search of vision: the right of existence of oneself with creation.”

Even if we know that the Mexica utilized a great number of techniques to obtain altered states of consciousness (González 1989) the one used by Tlacaelel is a practice of North American Indian origin, “which is obtained through fasts, physical exhaustion in a solitary place, with the cold of night, naked, at the mercy of the elements, reaching a special state of consciousness. He must remain four days and nights drinking no water and eating no food, as well as having contact with no person.” (Tlacaelel, p. 27).

“Sacred Pipe, Prayer Instrument.”

Another purely Northamerican cultural instrument.

“Dance. Movements which follow the paths of cosmic forces.”

Although dance was a very important element among Prehispanic cultures, as it is still in most cultures, a special emphasis has been given by the followers of la Mexicanidad to the solar or Aztec chichimec dance of which Velázquez (*Ce Acatl*, No. 64, p. 16) claims “it is not a show or spectacle, but an offering to the cosmic forces which give us life Ilhuica Yoliztli, it has four levels, ... the fourth or Teochi-

tontequiza,” is a “cosmic movement of creative energy ... (in which) the dance movements obtain spiritual communication with the generative powers of life and the dancer becomes a link between Teotl, the Creative Energy and Humanity”. Today in Mexico’s main square near the ruins of the Great Temple one can see a group of young people from the Mexicanidad who gather together to dance every evening, and also distribute pamphlets proclaiming how historians have distorted the real facts about the ancient Mexicans.

Tlacaelel has introduced the dance of the sun as a very important element in his ritual practices, which at its climax has the dancer going around a pole, hanged from it by the muscles of the breasts. This ritual was also taken from the North American Indians.

The members of the Supreme Council of the religious movement of Tlacaelel in kaltonal have to be dancers of the sun. On the 12th of July 1995 in a colloquium with a group of followers of the MCRA and of the Mexicanidad with members of the Academy, held in the National School of Anthropology (where quite a number of the students are members of this movement) Tlacaelel announced that a group of people are being prepared to be priests of his religion.

Probably the most charismatic leader of all the *kalpultin* is Tlacaelel. He has written an autobiography, along with two anthropologists who call him a “man of medicine” (Tlacaelel, pp. 21-25) which for them means that “he has the mission to be a spiritual leader of peace and a guardian of tradition” (ibid. p. 31). This book relates his life of misery, but at the same time of his effort and present success, the triumph of the will-power of a child, young man and then an adult who follows “the path of the four arrows”, a mission for which, he assures us, he was prepared since he was a child, as he claims that his father introduced him to the guardians of tradition and after that he felt the “Spiritual call”. He never attended school, and only when he was older did he learn how to read and write. As a child, he escaped from his house and travelled to the North of Mexico where he spent some time with the Tarahumara (a semi-nomadic ethnic group from the Mountains of the North of Mexico), then he went to other ethnic regions and supposedly learnt from them. Still very young

he traveled as a manual laborer to the United States where he was converted to Evangelism and became a very successful pastor among his countrymen. Later, he went to work as a cook on a ship and then entered the army for a period of time.

The myth of the four arrows is told by Ixtlixochitl, an hispanicized Indian chronicler from the Seventeenth Century, who says that when the leader of the Chichimecs (a tribe related to the Mexicas) arrived to the Valley of Mexico around the Thirteenth century, he threw four arrows from a mountain to the four regions of the world, as a symbol of the conquest of the land where he had arrived. Tlacaelel claims that through mystic experiences he found the mountain where this story happened, and that on this same mountain, many thousands of years ago, the Mexica people received a revelation to go to the four corners of the continent, bringing their message to all the peoples. Later on, Tlacaelel himself made this trip, taking his message to the Indian peoples of all the Americas, with whom he has now established permanent links.

The groups which form the MCRA, as we mentioned, are neither homogeneous in their way of thinking nor in their interests. It is interesting to point out that the president of the Center of Culture and Mentality of Anahuac was a parliamentary candidate for the Ecologist party in the last elections and that the presidential candidate for this party was at the very least an active sympathizer with the Mexicanidad, actually participating in many of the rituals, even though physically he is white and blond.

As we mentioned before, the dances which are practiced by the MCRA were certainly adapted from those of the original group we have called "The Tradition". In all the most important churches of Mexico during the celebration of the feasts of their patron saints one can see men, women and children dressed in attractive garments and plumed headdresses dancing infatigably in the church atriums in honor of those particular saints. The origin of these groups can be traced at least to the Seventeenth Century, even though the legend says that in July 1531, a short time before the apparition of the Virgin of Guadalupe which was said to be in December of the same year,

a battle was fought between christianized and pagan Indians, and “at sunset there were still no victors or vanquished. Before the sun went down the horizon, darkness fell, and on high, in heaven, a white and shining cross appeared, and at its side the apostle Santiago riding on a white horse. Astonished to see such wonder the combatants put down their arms and between embraces, they made a peace covenant and to the shout of ‘El es dios’ (He is God), the Indians recognized the Christian cross as a symbol of their new faith, performing a dance as a proof of their veneration” (Manuel M. de la Mata, cit Gómez Pérez, p. 15). Since then, these dances have been called dances “of conquest” because according to their own explanation they were conquered spiritually and converted to Christianity from which arose, according to Moedano (1984, p. 4) a crisis cult. Taking into consideration the climate of violence which marked Spanish colonialism, it is not difficult to deduce that the praises given to the Virgin Mary and the so-called concord with the Spanish were only forms of avoiding repression and to fool the colonizer, with the precise aim of being able to maintain indefinitely the representation of their dance drama, whose messages were included in the body and not in the Christian Saint to which it was supposed to be addressed. One should add that Indian dances were prohibited by the Spanish fearing that they may contain traces of their “idolatrous practices”.

The dancers of the conquest actually have a very old tradition which they claim goes back to Prehispanic times, but is covered by Christian symbols. This form of adoration is adjusted superficially to the Catholic Saints, but it contains a series of prehispanic rites which have been transmitted by inheritance through many generations.⁸

The groups of the Tradition have their own theological concepts which are variants of popular Catholicism as well as their own rituals performed with music both privately and publicly. When they dance in the atriums of churches and shrines they always do so in a circle, in accordance with a Prehispanic model. Similarly when they perform their vigils, where they pray, they douse the musical instruments with incense, mainly the “*concha*” (a sort of mandoline made from the shell of an armadillo), they perform ritual cleansing, sing praise,

and sing to the dead inviting them to come and join with the living. During the dance, the ritual objects, such as the musical instruments, the banner, the copal or incense, have their own symbolism, for instance the "*concha*", takes the place of the *chimalli*, or prehispanic shield and becomes a mystical protector. They have very strict rules for the initiates and possess a strong awareness of their rights and obligations as participants of a specific community, as well as being very well organized.

Practically all of them are ruled by a Council of Elders who sanction the participants' activities, "according to the manner in which all Indians are ruled" (these are their own words). They are organized in a sort of military hierarchy inherited from the Spanish, with four generals, one for each wind, or for each world direction recognized by the sanctuary in question. For the group of the Conquest these are the Sacromonte, Chalma, Los Remedios, Guadalupe's Sanctuary and, in the center, Santiago—which is where the main temple of Tlatelolco, the twin city of Tenochtitlan, stood and the same place where the "Square of the Three Cultures" (Aztec, Spanish and Mexican) was rebuilt about 30 years ago by the Mexican Government, and moreover where the students massacre took place in 1968. Beneath these generals are the captains, each one of whom leads a "*mesa*" (table) which are usually made up of people who are related. Each *mesa* considers itself to be independent and self-sufficient. The lieutenant carries the banner or standard, which represents the union, conformity and conquest, besides which there are female incense-carriers, soldiers, warriors and a "Malinche".⁹ There are no differences between men and women, but hierarchical position is usually inherited and they have perfectly well established mechanisms of ascending in this hierarchy. The main function of the generals is to organize the four wind festivals, where they go to dance according to very precise rituals. There is also an esoteric knowledge which is only handled by the leaders.

The words of the orisons or religious songs, quite similar to Indian *bhajans*, which they sing in their rituals refer to a number of Saints, but they also have songs of conquest. In the latter, Cortes, Cuauhte-

moc and the Malinche are mentioned as well as other personages who took part in the Conquest. Those who have studied these songs consider them to have a very ancient origin. (Moedano 1984, p. 19).

The people of the Tradition have undergone a number of changes. One can distinguish now three different groups: the "Concheros", the Conquest and the Aztec. The Concheros founded their own organization in 1922, premised against the rigid hierarchy of the generals, but still belonging to the same tradition and in part still heeding their advice. The Concheros are the more orthodox of the three groups and dance only in the atrium of the Catholic churches, while the dancers of Conquest and Aztecs have endured many modifications. For example about 20 or 30 years ago they introduced the use of pheasant feathers on their headdresses, which were before only ostrich's, they also introduced the *huehueltl* or vertical Prehispanic drum. Costume has also seen changes, becoming more daring. Younger people have adopted the Prehispanic loincloth, and its design, as well as the design of their capes, sandals and headdresses display great imagination. Also more recently, young people have begun to paint their bodies and their faces.

One can say that the dance movement prospered more in the urban media among lower class people, the more dispossessed of society, especially among the immigrants from rural communities who, faced with the dominant culture, sought a form of identity and defense through a link with the past.

Approximately 20 or 30 years ago, middle-class intellectuals and artists, started to join the *mesas* of the dancers with greater frequency, in search of a spiritual path, mystical experiences and, no doubt, also a new identity. Moreover many "dancers" who were inheritors of the tradition rose in social terms, introduced their dance in the intellectual circles as an alternative to the eastern cults. At the same time, when someone dear to them died, those artists and intellectuals who claimed to be atheists, and therefore did not want to use the customary social Catholic rites, yet still wanted to enter emotionally into the sphere of magic and the sacred, used the funeral rites of the *Tradicion* of "raising the cross", performed nine days after a person died.

According to the Concheros themselves, their position is quite different from that of the MCRA, in the sense that even if they believe they preserve traditions from Prehispanic times, they have merged these with Christian spirituality and they are not against the Catholic religion. Santiago, “the mailman of the four winds”, is the patron saint of the Concheros.

Nevertheless recently (Moedano 1984, p. 4) a new current has taken hold among them, which attempts to provide a base for the supposition which would institute them as direct inheritors of the Aztec dances and consequently of the corresponding Aztec war-mystic vision. This represents “a new nativist impulse from some sectors of these groups (a characteristic which has been peculiar to them from their origin) and on the other hand is a consequence of the role played by the official nationalistic ideology, which takes the Aztecs as the sum of all Indian virtues and symbols of Mexicanness”. In relation to this new tendency among the dancers of the Tradition, we know that (Guemez 1993, p. 121) a section of them adopted the discourse, themes and myths of the MCRA, for instance by introducing new musical instruments, new symbols in the ritual, also addressing the Mexica gods or cosmic forces and gathering to dance at the monument of Cuauhtemoc and archaeological sites at key moments of the sun’s path across the sky.

The members of the MRCA repudiate the group of the Tradition because it does not reject the Catholic symbols and because the main instrument is the *concha*, which is not Prehispanic; while the Tradition considers the members of the MCRA to be intransigent, reactionary, backwards and racist. A university professor of theatre who is a member of the tradition comments that the MCRA adopts the iconography without the signs.

The third group to whom we will refer among the movements of Mexicanidad is the “New Mexicanidad”, the followers of Regina, or the “Reginos”. Undoubtedly the most recent, this is an eclectic group, formed by middle and upper class people with university education, who think in planetary terms and believe that long-dormant and great sacred-cosmic forces have been awakened in Mexico.

The founder of this movement is Antonio Velazco Piña, who through his publications, which are basically novels, in which he appears as the “witness”, has created a salvationist New Era mythology, in which Mexico, with the help of the Tibetans, plays the role of protagonist. According to the books of Velazco Piña, the New Era started on 21st of March 1948, coinciding with the age of Pisces and the beginning of that of Aquarius, as well as the transference of the main central receptors of universal energy, from the Himalayas to the Mountain ranges of the Americas. Regina is a *dakini*, or celestial being and was born in the Valley of Mexico in a village at the foot of the Popocatepetl and Iztacihuatl mountains, which contain the *chakra* of Mexico. For reasons of destiny Regina goes with her family to Tibet where she is trained by a Tibetan monk in esoteric matters. When Tibet is invaded by China, her family is killed and she hides for a while in a distant valley where she pursues her spiritual training. Eventually found by the Chinese, she is taken prisoner to China, where again she finds a way to increase her esoteric knowledge. Finally she is able to come back to Mexico in 1968, with the aim of bringing the country to spiritual awareness. Her first task is to seek for the help of the “Guardians of the traditions of Mexico”, one Olmec, one Mayan, one Zapotec, and one Nahuatl, with whom she forms a small group for her great task of salvation. Little by little she begins to open the energy paths which were blocked in the city. By means of a ritual she performed in the pyramid of the Moon at Teotihuacan, for six months, she managed to “neutralize the permanent dream-state which dominates human beings and leads them to confuse reality with chimeric fantasies”, leading Mexico (and apparently the whole world) to the events of 1968. The great public marches and concentrations of people in the Great Square of Mexico city, part of the student movement, are explained as mystic congregations in which Regina performed rituals as part of her plan to awaken the spiritual energy of Mexico. One of her activities was to light an invisible flame of light in the interior of the pyramid of the Sun in Teotihuacan, thus reactivating the energy of the old city, informing her companions that all that remained was to break open the seals which had been closed when Mexico fell into a spiritual deca-

dence. This task would be completed by Tibetans. As Regina failed in one of her attempts to open completely the sacred energy of Mexico, she decided to sacrifice herself along with 400 of her followers in the massacre of Tlatelolco on the 2nd of October of 1968.¹⁰

In the seventies archaeoastronomic studies began to flourish, when the importance of the annual movements of the sun and other stars and their relation to archaeological buildings began to be broadcast. First it was discovered that in the so called pyramid of Kukulcan in Chichen Itza in Yucatan, but only during the equinoxes the form of a snake made of light appears on one of the sides of the stairs, then several caves and other places were discovered to have gnomons for studying the passing of the sun throughout the year. When the public came to know about this, the appearance of the snake of light became a curiosity and small groups of people came to see it, but later more and more people gathered at the different archaeological sites to receive energy.

According to Velazco Piña, "the witness", some followers of Regina began to congregate at Teotihuacan, even though the seals had not been broken and the energy was not yet flowing. On the 3rd of July of 1989 the Dalai Lama was invited to Mexico to perform a ceremony on the pyramid of the Sun during which he "took away one of the seals which had prevented the energy from flowing". He also participated in an ecumenical ceremony which took place in the Cathedral of Mexico City. Afterwards, on the 21st of March 1992, seven Tibetan monks from the monastery of Ganden Shartse came to Mexico to remove the last seal of the pyramid, in the presence of about 40,000 people, to the disgust of a group of some extremist members of the MCRA, who did not want any foreigners to perform rituals in their pyramids. Nevertheless and according to Velazco Piña, the ritual was successfully completed and from that moment onwards the energy "can be used from any place on earth by all people who are able to atune their own vibrations with those which flow from Teotihuacan" (1994, p. 64). This year at the spring equinox around 200,000 people dressed in white came to receive energy at Teotihuacan. White according to Velazco Piña is the color worn by the Olmecs and is

used in their rituals by the people of the New Mexicanidad and their sympathizers.

This movement has also had an impact in Spain. In 1991 several people, including Velazco Piña were invited to give lectures related to mystical themes at the Menéndez Pelayo University. At this time, along with some groups from Europe such as the Rainbow Warriors, the Gaia Organization, Defence of the Earth and other spiritual ecological groups, they prepared the reopening of the spiritual path to Santiago de Compostela. To this event, which took place in July 1992, they invited a choreographer, who was a Regina follower who prepared a special Tibeto-Mexican dance called *citlamina*, as well as the (female) captain of the Aztec *mesa* of the Tradition to teach a group of Spanish people to dance. She founded several Spanish “mesas” at this event and as a result, in the feast of the Sanctuary of Chalma, this year, in the State of Mexico, which is where all the dancers who have not been prehispanized meet, 40 Spanish dancers came along bringing their pendants from Seville and Barcelona.

Even though the three aforementioned groups have little to do with one another, they share a belief that Mexico is the possessor of a great spiritual power-force. They have elected the same places which they agree are charged with symbolic meaning or power, performing their ceremonies sometimes together or on their own. Out of this a very eclectic group is merging which intends to erect Mexico as the spiritual navel of the world.

Even though the members of the MCRA as well as the followers of Regina are separated by 502 years of hispanization and mexicanization from the ancient Prehispanic culture which, in fact, they have nothing to do with, they have created their own symbolic universe based on knowledge gleaned from books. From these books on Prehispanic cultures, they select and reinterpret whatever they wish, and have made up symbols and ritual practices to which they attribute indisputable authenticity. The members of the MCRA assert themselves as direct inheritors of the Prehispanic culture, interpreting it in their own way and discarding the explanations of the academic specialists, even though in reality they sprung from that knowledge, and forge a

past which is consequent with the present moment. They absolutely reject all aspects deriving from hispanic culture and Catholicism, some of them denying the concept of "Mestizo" and thus disqualify 2000 years of western culture, besides acting in an aggressive-defensive manner out of social resentment and becoming intolerant with people who do not accept their ideological premises. They set up an exacerbated nationalism which could potentially lead to facism.

Members of the new mexicanidad, the followers of Regina, place their doctrine within a planetary frame, borrowing concepts from Catholicism and the ancient Prehispanic cultures, but also from esoteric doctrines, as they believe it is the age of Aquarius with all that this implies. These range from Christianity, Hindu doctrines, like the *chakras* of the earth, or Tibeto-Buddhist ones, such as the *dakini* and also from the hermetic tradition. They make use of concepts such as "the guardians of Mexican tradition" of the four main Mesoamerican cultures; they also adopt ecological concepts of the New Age, which hold the earth to be a living being. They accept that their's is a syncretism by the fact that they establish it as a planetary doctrine.

Some of the dancers of the Tradition have been influenced by one or other of the aforementioned movements of the mexicanidad, although as a group they do not consider themselves part of the movement. They are in reality the only ones who truly have a very old tradition and perhaps they preserve traits of the Prehispanic religiosity, in many of their rituals and conceptions, even though as we have said they were concealed by the Catholic religion.

None of the three movements here described ever attempted social revindications. The members of the MCRA wish to bring back the paradise of the past which they have idealized and which they regard as a very just society. None of the three have equality as their banner and they propose neither to fight the present state of things, nor a solidarity with the Indians. There is actually no real racial fight between Indians and Creoles or whites, as we have seen all the members are actually mestizo and revivalist. We mentioned that the founder of the MCRA began his career as an organizer in a Creole movement and afterwards adopted a racist point of view against foreigners and Jews

who were identified with Marxists. There is a clear ethnocentric tendency and everything hinges upon the Mexica culture, ignoring the fact that there are at least 56 other Indian ethnic groups. Recently, however, some of the people of the MCRA are including in their stated positions that to be of the mexicanidad is to be universal, and moreover, they are now trying also to make their own the revindications of the Indians and join together with truly Indian movements in their protests against the celebration of the day of the race and of course in the 500 year celebration of the “discovery” of America. Even if most of the leaders are Spanish speakers they have learnt to speak the Nahuatl language, and have as one of their prime goals the diffusion of this language and at the end its restoration as a national language, without taking into consideration the other 56 Indian languages spoken, not to mention the 90% of people who speak Spanish. These movements may be considered prophetic in the sense that they have the mission to follow Cuauhtemoc’s mandate and Regina had as her mission the restoration of the sacred energy of Mexico which was nationalist salvationist by the way the concept of tradition is handled.

The movement of the New Mexicanidad is more apolitical, even though Regina makes the student demands of 1968 her own and Velasco Piña deeply criticizes the President and the Minister of Interior who they assert caused the repression and the student massacres.

There is no doubt that all these groups are searching for an identity, whether this is “just the subjective point of view of the social actors concerning their unity and their symbolic frontiers, regarding their relative persistence in time, as well as concerning their situation in the world, that is to say, in their social space” (Giménez p. 24).

Dirección de Etnología y
Antropología Social
Instituto Nacional
de Antropología e Historia
Ex Convento del Carmen
Av. Revolución 4 y 6 San Ángel
C.P. 01000 México D.F., Mexico

YOLOTL GONZÁLEZ TORRES

* Part of this paper was read as key lecture of the XVIIth Congress of the IAHR.

¹ The Mexicas or Aztecs were the people who, in 1321, founded their city Tenochtitlan on the site of the present Mexico City. They became the rulers of most of what is now the Mexican Republic.

² Sejournee claims that the capital of the Toltecs, Tula, was what is now Teotihuacan.

³ Juarez issued some laws which included restrictions to the power of the Church, such as: freedom of cults; nationalization of the properties of the Church; prohibition of external manifestations of religious worship; civil birth and marriage registration; no religious teaching at the basic level. Priests were not allowed to vote or participate in political activities and all these laws were in place until 1992.

⁴ Giménez (p. 34) says that they can be called "sects", as in their majority they come from the United States and have surged from a matrix common to Western Christianity. Most of times they have their origin in a chain of schisms from a "Mother Church".

⁵ We have not been able to trace who exactly were these elders.

⁶ The Mexica believed in five ages or suns which were destroyed by different cataclysms. We are living in the fifth sun.

⁷ In 1992 some articles of the Mexican Constitution related to religion were changed, and so, in order to be able to exist as a civil entity with rights of owning property and so on, every "religious association" had to be registered after completing certain requirements which included the presentation of the mentioned documents.

⁸ Carlos Jiménez, an archaeologist and a member of the "Concheros" invited me to some of their rituals and gave me much information.

⁹ Malinche is the name of an Indian woman who was given as a present to Cortes by a cacique from the South of Mexico and who acted as interpreter. She played a key role in the Conquest of Mexico.

¹⁰ On the 2nd of October of 1968 there was a big gathering of people, mainly students, in the square of Tlatelolco; suddenly soldiers and policemen dressed in civilian clothes started firing at people killing a great number of people.

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CONSTRUCTION AND RECONSTRUCTION OF SACRED SPACE IN VĀRĀṆASĪ*

HANS BAKKER

Summary

It is widely believed that Vārāṇasī (Benares) ranks among the oldest holy cities on earth. Archaeological and textual sources, however, begin only to testify to the construction of sacred space in the first millennium AD. A significant discrepancy is found between the archaeological data (mainly seals) and early textual sources belonging to the 5th to 8th centuries. While seals provide us with the names of temples that apparently were frequented by the ordinary pilgrim, the oldest Māhātmya text that has recently become available, three chapters of the 'original' *Skandapurāṇa*, depicts Vārāṇasī as a place of ascetics and yogis. The spheres of devotion and world-renouncing are further complicated in the 11th and 12th centuries, when Vārāṇasī is made the political capital of the Gāhaḍavāla dynasty. Inscriptions reveal yet another dimension of sacred space, that of state ritual. After the destruction of the town by the Muslim conquerors, a process of reconstruction sets in during the 13th and 14th centuries, resulting eventually in the sacred Vārāṇasī as we know it today.

Construction (First Millennium AD)

The distinguished scholar of traditional Indian law and customs, P.V. Kane, begins his description of Kāśī (i.e. Vārāṇasī) in his magnum opus *The History of Dharmaśāstra* (Poona 1973 [2nd ed.], Vol. IV, p. 618) by articulating a generally held view concerning this town.

There is hardly any city in the world that can claim greater antiquity, greater continuity and greater popular veneration than Banaras. Banaras has been a holy city for at least thirty centuries.

It seems worthwhile to reconsider Kane's claim by studying the process of construction and continuous reconstruction of Vārāṇasī's sacred space in the light of archaeological and textual evidence.

The first thing we have to call in doubt is the antiquity of the town. On account of archaeological excavations (at Rajghat) it may be taken

for certain that the earliest settlement of the site can not be pushed back further than the 8th century BC.¹ Owing to its strategic location, at the junction of two rivers, the Ganges and its contributory the Vārāṇasī river (also called Varāṇā),² the place gradually developed into an important commercial centre, and this may have been one of the factors that attracted the Buddhist order to its neighbourhood (Sarnath, 5 km north of the present city) in the 5th century BC. However, judging by archaeological as well as literary testimony the town itself had no special religious significance within the Brahmanical tradition (beyond a local one) before the beginning of the Christian era. We therefore may pass over the first ten centuries of 'holiness' as claimed by Kane.

Actually, it is not before the end of the 3rd century AD that we see a shift in Hindu religion with respect to Vārāṇasī appear in our historical sources. The archaeologists report the finding of the first seals with Sivaite emblems,³ whereas the *Mahābhārata* section on pilgrimage (*Tīrthayātrāparvan*) in its grand all-India scheme of holy places assigns a modest place to a Śiva sanctuary, Vṛṣadhvaja, with annexe bathing pool (Kapilāhrada) at the edge of Vārāṇasī.⁴

The transformation of commercial, i.e. profane, space into sacred space, which, incidentally, was by no means detrimental to commerce, took place in the fourth to sixth centuries of the Christian era, when North India was united in the empire of the Gupta dynasty. One may well speculate on the question of to what extent this transformation was facilitated by the fact that Vārāṇasī was a commercial not a political centre, a question that is relevant to all Indian holy places and to which we shall return below.⁵

Materially the construction of sacred space is attested by a great variety of seals mainly issued by Sivaite shrines, of which Avimukteśvara was the most prominent.⁶ That there was at least one great Viṣṇu temple ensues from the image of Kṛṣṇa holding aloft Mt Govardhan, which was found near the Bakaria Kund.⁷ Conceptually this transformation was expressed by a myth that made its first appearance in a layer of texts (*Purāṇapañcalakṣaṇa*) that may possibly be dated

to the 5th or 6th century. The contents of this myth may be shortly told as follows.⁸

Śiva's mother-in-law, Menā, criticizes her son-in-law, whose poor-man's (*dari-dra*) lifestyle on the Himālaya amidst ascetics who assume all kinds of forms (*viśvarūpa*) she finds less suitable for her daughter. Pārvatī therefore asks Śiva to find another place to live. Śiva sets his mind on Vārāṇasī, which is by that time a prosperous city under the reign of king Divodāsa.

Śiva instructs a *gaṇeśvara*, named Nikumbha, to trick Divodāsa out of Vārāṇasī. Nikumbha appears to a barber in a dream and promises him prosperity if he constructs a shrine in the city-gate (*nāgarīdvār*), installs his image and starts worshipping him. Nikumbha bestows great prosperity on all his worshippers, but when the wife of Divodāsa (Suyāśas) comes and asks for a son he refuses to comply with her wish. Divodāsa becomes angry and destroys the shrine (*sthāna*) of the *gaṇapati* Nikumbha. The latter curses the city to be empty (for a thousand years). During this period of emptiness a demon (*rākṣasa*), named Kṣemaka, lives in Vārāṇasī.⁹

When Divodāsa and his subjects have left Vārāṇasī, Śiva moves in and builds his residence (*pada*). Pārvatī does not like the place (*grhāvismayāt*, because of uneasiness with the new situation?), but Śiva declares that he will never leave Vārāṇasī. His palace (*grha*) is therefore known as 'Avimukta'.¹⁰

After Divodāsa has left Vārāṇasī he conquers the Haihaya kingdom of Bhadrāśrenya and takes his residence in a beautiful city at the Gomatī river. Divodāsa begets a son on Dṛṣadvatī, viz. Pratardana. Pratardana has two sons, Bharga and Vatsa, and the latter's son is Alarka.

When the thousand years since the curse of Nikumbha have passed, Alarka kills the demon Kṣemaka and returns to Vārāṇasī. Thus after three generations (Divodāsa, Pratardana, and Vatsa) Vārāṇasī is again the capital of the dynasty of the Kāśis (*kāśikula*). Alarka reigns for a very long period and finally is succeeded by his son Saṃnati, etc.

We possess an eye-witness account from the 4th decade of the 7th century by the Chinese Buddhist pilgrim Hiuen Tsang, who tells us the outcome of this transformation process. He observed the following,

The capital (Vārāṇasī) [...] is densely populated. The families are very rich and in the dwellings are objects of rare value. The disposition of the people is soft and humane, and they are earnestly given to study. They are mostly unbelievers [that is Hindus], a few reverence the law of the Buddha. The climate is soft, the crops abundant, the trees flourishing, and the underwood thick in every place. [...]

In the capital there are twenty Deva [i.e. Hindu] temples, the towers and halls of which are of sculptured stone and carved wood. The foliage of trees combine to shade whilst pure streams of water encircle them. The statue of the Dēva Mahēśvara [i.e. Śiva], made of (*native copper*), is somewhat less than 100 feet high. Its appearance is grave and majestic, and appears as though really living. [...] ¹¹

They honour principally Mahēśvara. Some cut their hair off, others tie their hair in a knot, and go naked without clothes, they cover their bodies with ashes, and by the practice of all sorts of austerities they seek to escape from birth and death. ¹²

It is one of the peculiar aspects of Vārāṇasī's development into a holy city, an aspect that would be appreciated by dialectical thinkers—to whom India has much to offer anyway—that along with a growth in prosperity and holiness the town became the meeting place of yogis and ascetics who by their mortifications negated all human values.

This latter characteristic as described by Hiuen Tsang is confirmed by a literary source that has recently become available. In a *Skandapurāṇa* preserved in Nepalese palm-leaf manuscripts (referred to as SP) ¹³—the oldest of which is dated AD 810 ¹⁴—of which we are preparing a critical edition, ¹⁵ three chapters are concerned with Vārāṇasī and its mythology (*adhyāyas* 26, 29, 30). Herewith we have a text at our disposal that with a high degree of probability can be dated in the 7th or 8th century AD. It repeats the mythology of king Divodāsa (here called a great yogi and worshipper of Śiva) in slightly modified form and depicts Vārāṇasī as a city of yogis, especially of the Pāśupata order (SP 29.62-73). Practising yoga here is said to secure release, but also living here till one dies is enough to attain *mokṣa* (SP 29.91-97, 30.66-75). The town is designated as the holy field of Avimukta, and in it the sanctuary of Avimukteśvara is hailed as the most important, because all holy places (of North India) join the Gaṅgā on its way to Vārāṇasī and assemble there (SP 29.77-90).

It comes somewhat as a surprise that, with the exception of Avimukteśvara, all holy places of Vārāṇasī mentioned in this *Skandapurāṇa*—about 13 *liṅga* sanctuaries and 3 bathing places (see Table 1) ¹⁶—are unknown from the seals, whereas the sanctuaries mentioned on

TABLE 1

Holy places according to SP 29.9–61

<i>svayambhuliṅga</i>	<i>tīrtha</i>	installed <i>liṅga</i>
1 Goprekṣeśvara		
2 Vṛṣadhvaṇa	a Kapilāhrada b Bhadradoha	3 Upaśantaśiva (by the gods) 4 Hiraṇyagarbha (by Brahmā and Viṣṇu)
5 Sva(r)lineśvara		
6 Vyāghreśvara		
7 Jyeṣṭhasthāna		
8 Avimukteśvara		9 Śaileśvara (by Himavat)
	c Confluence of rivers Vārāṇasī and Gaṅgā	10 Saṃgameśvara (by Brahmā)
11 Madhyameśvara	d (Siddhasthāna)	12 Śukreśvara (by Skanda)
13 Jambukeśa		various <i>liṅgas</i> erected by the Grahas

the seals are not referred to again in any text that can be dated before the 11th/12th century.¹⁷ A possible explanation of this phenomenon may be that the temples that issued seals to their visitors fell into another category, i.e. had a more general, mass character than those sites that were specified in texts that originated among circles of sectarian (i.e. Pāśupata) Śaivas.¹⁸ The holiness of most of the places described in the SP is based on their connexion with ascetic achievements, the merit of which achievements they in turn bestow upon their visitors. They have little to do with ordinary devotional practices such as *snāna*, *dāna*, and *pūjā*. Evidently Vārāṇasī's sacred space had already by the 7th century differentiated into two mutual permeating but nevertheless contrasting religious spheres, one devotional, cater-

ing for emotional needs, for the benefit of those pursuing happiness and religious merit, the other geared to the transmundane aims of ascetics and the moribund. It is probably this unique interlacement that made Vārāṇasī into the holiest city of the land.

A text section that, in its present form, on text-critical grounds can be said to be somewhat later than the SP¹⁹ (datable to the 9th-10th centuries), namely chapters 180 to 185 of the *Matsyapurāṇa* (MP), further emphasizes the dark aspect of the sacred city. It passes over almost completely the Śiva temples and bathing places in the Ganges²⁰—though eulogizing Vārāṇasī as the ‘the holy field of Avimukta’ (Avimuktakṣetra), it is silent on the Avimukteśvara sanctuary as such—but instead focuses on Avimuktakṣetra as the primordial cremation-ground (*śmaśāna*, MP 184, TVK pp. 22ff.). The first mention of Vārāṇasī’s cremation grounds is in the *Mārkaṇḍeyapurāṇa* (8.4 and 8.106), which tells Hariścandra’s doleful destiny when he was forced to work there. It seems that in this text, which most probably is earlier than the MP, there is as yet no religious significance attached to the cremation ground as such. According to (an interpolation in?) the *Matsyapurāṇa*,²¹ however, here, above the funeral pyre, Śiva’s palace hovers in mid-air unattainable to those who lack discipline. This emphasis links up with the sinister side of the Śaiva ascetic tradition, making Vārāṇasī one of its headquarters, a development that may have taken place between the 6th and 9th centuries AD. Dying and being cremated within this space secure release of all human sorrow. And here the two spheres, the devotional and the transmundane, intersect: in the hour of death the compassionate Śiva mutters graciously the saving formula into the (right) ear of the believer, the formula that shall open the gates of paradise for him or, on a more sophisticated level, shall forever put a halt to the circle of his phenomenal appearances.²²

The City Flourishing (11th-12th Centuries AD)

There is no reason to doubt that at the turn of the millennium Vārāṇasī was a crowded place, attracting all sorts and conditions of

people. The traditional commercial activity, boosted by the pilgrimage business and the industry of the dying, may have made the town into one of the richest bazaars of Northern India, a fact that did not go by unnoticed to marauding bands of Turkish warriors which infested Northern India after sultan Maḥmūd of Ghazni had pointed the way. In AD 1033 the 'governor' of Hindustan, Aḥmad Niyaltigin, arrived at Banaras. Abū l-Faḥl al-Bayhaqī's description runs thus:

The army could remain there from morning to mid-day prayer because of the peril. The markets of the drapers, perfumers, and jewellers, were plundered, but it was impossible to do more. (E&D, II pp. 123f.)

No doubt Hindu sanctuaries were desecrated as well, but the damage was limited as yet.

Apparently in response to the Muslim threat from the west, Vārāṇasī was turned into a stronghold of Hinduism, and, significantly, was made into the actual seat of political power of the mightiest ruling dynasty of North India, the Gāhaḍavālas, at the end of the 11th century.

As has been noted above, Vārāṇasī had evolved into a holy place without being or developing into a political capital, and this appears to have been in conformity with the normal situation in South Asia, where sacred and political space customarily have different centres. Hermann Kulke's explanation of this phenomenon is that, if both were to coincide, rulers over the holy town would have to admit their enemies into their own political centre of power, due to considerations of *dharma*.²³ If territory coincides or is identified with sacred space, wars in defence or conquest of this territory could be defined as holy wars. Yet, the concept of holy war was conspicuously absent in traditional Indian political theory,²⁴ and so was the practice of propagating war by appealing to religious sentiments other than those conforming to general principles of *dharma*. Hence the question may be raised why the Gāhaḍavālas moved their actual seat of power towards the sacred Vārāṇasī rather than staying within the prestigious imperial capital Kanauj, where they had seized power and which lay within their territory, but was later only formally acknowledged as such.²⁵

This might have been caused by the fact that Kanauj lay in ruins after having been sacked by the Ghaznavite invaders (AD 1018 by sultan Maḥmūd, AD 1086-90 by prince Maḥmūd, governor of the Punjab). But it could have been rebuilt, just as Vārāṇasī recovered from its first contact with Muslim forces. A more plausible explanation for the Gāhaḍavālas' deviation from customary practice in choosing Vārāṇasī as their power base may be sought in the circumstance that the nature of the enemy had changed, an enemy which held completely different views on territorial warfare as well as on religion. That the Gāhaḍavālas were well aware of this from the beginning ensues from their levying the 'Turks' tax' (*турускдаңда*), a war tax that is without parallel in India.²⁶ In other words, the move to Vārāṇasī may be viewed as part of the Gāhaḍavālas' reaction to the challenge of Islam, a strategy to enhance prestige, boost morale and rally support. Already in their first known inscription the Gāhaḍavāla kings proclaimed themselves as the 'protectors of the (North) Indian holy places' (*tīrtha*), to begin with those in Kāśī, and boasted of their own piety.²⁷

As a result Vārāṇasī's sacred space was interwoven with a third pattern, that of religious royal ceremony. Apparently a sanctuary arose at the confluence of the Vārāṇasī (Vārāṇā) river and the Ganges, the Viṣṇu/Kṛṣṇa temple of Ādikeśava, in which a new image (*pratimā*) was erected between AD 1090 and 1093. Candradeva decorated it with gold and jewels, after he had (earlier?) donated gifts of gold studded with pearls to Viṣṇuhari—an old sanctuary in Ayodhyā,²⁸ the town where the land grant was made.²⁹ Ādikeśava near the confluence, in the north of Vārāṇasī, became an imperial temple, where the Gāhaḍavāla princes, after having bathed in the Ādikeśavaghaṭṭa,³⁰ performed their 'state' ritual and where the crown prince Jayacandra was initiated in the worship of Kṛṣṇa in AD 1168.³¹

Thanks to royal patronage, many more shrines and bathing places came to the fore.³² The greatest of the Gāhaḍavāla kings, Govindacandra (AD 1109-1155), recorded in VS 1166 (AD 1109) that he, while still crown prince, in fame resembling Rāma, son of Daśaratha, owing to his unparalleled and repeated sports (*krīḍā*) on the battlefield,

had managed to pacify the ‘Hammīra’ (i.e. his Muslim adversary).³³ By his wife, Kumāradevī, he had himself declared an incarnation of Viṣṇu.

Hari (Viṣṇu), the only one capable of protecting the earth, who had been called upon by Hara (Śiva) to protect Vārāṇasī against the wicked Turkish (Turuṣka) warrior, was therefore born again here under the celebrated name of Govindacandra.³⁴

The Gāhaḍavālas left us with many inscriptions and from these we learn the names of the holy sites that witnessed religious state rituals and kingly ostentation, but it is noteworthy that they for the greater part are unknown from earlier sources and that, for instance, Avimukteśvara is not among them, although Vārāṇasī is occasionally designated as the Avimuktakṣetra (e.g. EI IV, 113, 114, 132). Are we to conclude that the latter sanctuary had receded into the background, or are we concerned with again another perspective in which the sacred space of the holy town was conceived? I am inclined to the second alternative which is apparently endorsed by various sources pertaining to this period.³⁵

A minister of Govindacandra, Lakṣmīdhara, composed an encyclopaedia (*nibandha*) of traditional Hindu law (*dharma*), the *Kṛtyakalpataru*. In the section dealing with Hindu pilgrimage, the *Tīrthavivecanakāṇḍa* (TVK), about half of the text (124 out of 264 pages of the edition) is concerned with a detailed description of Vārāṇasī. Here we encounter again almost all the holy sites that figured in our diverse source materials—Avimukta (*liṅga*) being the foremost of them—and, in addition, more than two hundred sanctuaries made their first appearance in a long quotation from an otherwise unknown text attributing itself to the *Līṅgapurāṇa*.³⁶ Evidently, the sacred network of the town had evolved into such a maze that the need was felt for a comprehensive survey. This survey, however, is, in contrast with later *māhātmya* texts, a topographical enumeration rather than an organized structure that would arrange the holy spots and deities in conformity with a ground plan reflecting a mythic, cosmic or whatever ideal reality.³⁷

Destruction and Reconstruction

Composed of devotional, transmundane and political elements the sacred space of Vārāṇasī had turned into a religious metropolis which could not but exert a fatal attraction on the intransigent forces of Islamic invaders.

If, as has been argued above, the Gāhaḍavālas had chosen Vārāṇasī as their capital in order to profit from the (religious) prestige that was connected with it, this strategy failed. It did not bring them the support of their neighbouring (Hindu) kings. On the contrary, at the eastern border they were confronted with a new powerful enemy, the dynasty of the Senas, whose king Lakṣmaṇasena (AD 1179-1206) claimed a victory over the king of Kāśī, a success that in all likelihood refers to his conquest of Magadha.³⁸ The Gāhaḍavālas for their part did not come to the rescue of their western neighbours, the Cāhamānas, whose army under king Pṛthvīrāja was destroyed in the second battle of Tarain (AD 1192); consequently, one year later, they were themselves defeated by the Ghūrī army at Chandawar and Jayacandra, 'Rāja of Benares, the chief of idolatry and perdition' (E&D II, p. 223) was killed on the battlefield. According to the Chronicle of Ḥasan Nizāmī the victorious troops of Quṭb al-Dīn Aybak plundered the state treasury at Āsnī and,

proceeded towards Benares, which is the centre of the country of Hind, and here they destroyed nearly one thousand temples, and raised mosques on their foundations; and the knowledge of the law became promulgated, and the foundations of religion were established. (E&D II, p. 223)

It is perhaps one of the most remarkable, if not tragic qualities of sacred space that it holds a special attraction for believers of other religions. From the 13th century the Hindus had to share it with the Muslims, who selected the Hindus' most holy spots to build their mosques, and this has been a source of endless conflict until today.

During the first fifty years following the collapse of the Hindu kingdoms of North India, the unstable situation seems not to have allowed the Muslims to build permanent structures on the ruins of Vārāṇasī, in spite of Ḥasan Nizāmī's assertion to the contrary. Everywhere pock-

ets of resistance remained and we do even have epigraphical evidence dating from c. AD 1212 that testifies to the erection of a sacrificial post and a pillar of victory by a Sena king of Bengal, Viśvarūpa, in the middle of Vārāṇasī, designated as the holy field (*kṣetra*) of Śiva Viśveśvara, the ‘Lord of All.’³⁹

The name ‘Viśveśvara’ occurs marginally in the 12th-century survey of Lakṣmīdhara [TVK(LP), p. 93], but this sanctuary was to become the main symbol of the Hindu response to Muslim dominance. Thus was the beginning of the rise to holiness and fame of Viśveśvara or Viśvanātha, in the Hindus’ darkest hour, when their rulers tried to recover from their deep humiliation. Reconstruction of sacred space had begun.⁴⁰

The first reaction of the new Muslim authorities was to build a mosque on the hill of Viśveśvara. This appears to have taken place during the short reign of the daughter of sultan Iltutmish, Raziyya (AD 1236-40), and her mosque still stands today, known as Razia’s Mosque.⁴¹ The further history of Viśveśvara is one of stubbornness and bigotry.

Before the end of the 13th century the sanctuary of Viśveśvara had re-emerged somehow at another location, ‘probably a short distance down the hill in the vicinity of Avimukteśvara Temple, an area it soon came to dominate’ (EB, p. 133). This ensues from an inscription that records the building of a temple for the god Padmeśvara by someone called Padmasādhu, ‘at the gate of Viśveśvara’ (*viśveśvaradvāri*) in AD 1296. The inscription is found in the Lāl Darwāza Masjid in Jaunpur, which was built in AD 1447.⁴² The resurgence of the Viśveśvara temple is confirmed by a Jaina author, Jinaprabhasūri (AD 1332), who distinguished four districts of Vārāṇasī, one of which is that of the Viśvanātha temple.⁴³

According to Lakṣmīdhara [TVK(LP) p. 109], the original location of Avimukteśvara was a little north of a well, which probably refers to the famous Jñānavāpī of today. The Avimukteśvara temple, which consequently must have occupied the spot of the present-day Jñāna Vāpī Mosque (built in the time of Aurangzeb), had been, in all likelihood, destroyed in AD 1193. Since the site of Viśveśvara itself

had become occupied by Razia's Mosque (AD 1236-40), the Hindus evidently made the decision to construct a new sanctuary on the site of Avimukteśvara, referring to it as Viśveśvara rather than Avimukteśvara. The new Avimukteśvara/Viśveśvara temple was destroyed again in the first half of the 15th century, when materials of it and of the adjacent complex of Padmeśvara were used in the building of mosques in the newly founded capital Jaunpur of the Sharqī dynasty, as is attested by the inscription of Padmasādhū referred to above.

The rest of the history of the Viśveśvara temple may be summarized in the words of Diana Eck (EB, p. 134f.).

The reconstruction of the Vishveshvara Temple, perhaps on the most magnificent scale ever, was undertaken by Nārāyaṇa Bhaṭṭa in 1585. [...] The glorious day of this new Vishvanātha Temple, which included the smaller shrine of Avimukteshvara, was very brief indeed. In less than a century, in 1669, it was torn down at the command of the Mughal Emperor Aurangzeb. Half-dismantled, it became the foundation for the present Jñāna Vāpī Mosque. [...]

In 1777 the Queen of Indore (Ahalyabai Holkar) sponsored the construction of the present temple.

To return to the end of the 13th century, evidently some sort of sanctuary had arisen again by that time on the ancient site of Avimukteśvara, now dedicated to the 'Lord of All,' Viśveśvara. And in spite of likely obstruction by the authorities, many more minor shrines may have re-emerged. In these circumstances it is no surprise that emphasis was laid on Vārāṇasī's character as an eternal mythic city. No matter how depressing the actual historical situation might have been, concealed under the debris, the mosques and the Mohammedan quarter was a more fundamental divine reality. It seems that the ruin of old Vārāṇasī was just the required condition to stimulate the Hindu imagination.⁴⁴ In response to the degrading reality of the 13th and 14th century, a timeless Vārāṇasī centring around Viśveśvara, drawn up on a grand scale, was depicted in a new text of about 12,000 verses, the *Kāśīkhaṇḍa* (which was attributed to a *Skandapurāṇa* that only has its name in common with its forerunner).⁴⁵ The myths and patterns that underlie the holy city as represented in the *Kāśīkhaṇḍa* and later literature can be found in Diana Eck's *Banaras, City of*

Light (EB) and in Rana P.B. Singh (ed.), *Banāras (Vārāṇasī). Cosmic Order, Sacred City, Hindu Traditions*, Vārāṇasī 1993. Among the large number of new shrines that came into prominence are those that belong to the most holy and frequented places of the town today, such as the Daśāśvamedha Ghāṭ⁴⁶ and Bindu Mādhava at Pañcagaṅgā Ghāṭ.⁴⁷ This process of recreation shows the vitality of sacred space which apparently stands all time. Though continuously reconstructed in various ways, it retains its function and significance as long as there are human beings who are willing to believe.

University of Groningen
Institute of Indian Studies
Oude Boteringestraat 23
NL-9712 GC Groningen

HANS BAKKER

ABBREVIATIONS

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| EB | D.L. Eck, <i>Banaras. City of Light</i> , Princeton 1982. |
| E&D | <i>The History of India as told by its own Historians. The Muhammadan Period</i> , edited from the posthumous papers of the late H.M. Elliot by John Dowson. London 1867-1877. 8 vols. |
| EI | <i>Epigraphia Indica. A collection of inscriptions supplementary to the Corpus Inscriptionum Indicarum of the Archaeological Survey</i> , translated by several oriental scholars; edited by Jas. Burgess [et al.], Calcutta/Bombay 1892- , vol. I- . |
| GD | R. Niyogi, <i>The History of the Gāhaḍavāla Dynasty</i> , Calcutta 1959. |
| IA | <i>Indian Antiquary, a Journal of Oriental Research in Archaeology, History, Literature, Languages, Folklore, etc.</i> , edited by Jas. Burgess [et al.], Bombay 1872- , vol. I- . |
| JASB | <i>Journal of the Asiatic Society of Bengal.</i> |

- JNSI *Journal of the Numismatic Society of India.*
- JRAS *Journal of the Royal Asiatic Society.*
- KKH. *Kāśikhaṇḍa* [being part of the] *Skandapurāṇa*, Venkateshvara Steam Press, Bombay VS 1965 (AD 1907).
- KKI Moticandra, *Kāśī kā Itihās. Vaidik kāl se arvācīn yug tak kā rājñaitik-sāṃskṛtik sarvekṣaṇ*, Bombay 1962.
- MBH *The Mahābhārata* for the first time critically edited by V.S. Sukthankar [et al.], Bhandarkar Oriental Research Institute, Poona 1927-1959. 19 vols.
- MP *Matsyapurāṇa*, edited by the Pandits of the Ānandāśrama, [Poona] 1981.
- PPAÑC. *Das Purāṇa Pañcalakṣaṇa. Versuch einer Textgeschichte*, von Willibald Kirfel, Leiden 1927.
- SAIS K.K. Thaplyal, *Studies in Ancient Indian Seals*, Lucknow 1972.
- SEL. INS. *Select Inscriptions bearing on Indian History and Civilization*, edited by Dines Chandra Sircar. Vol. I, Delhi/Madras 1965 (2nd edition), vol. II, Delhi etc. 1983.
- SP *Skandapurāṇa* [according to ancient Nepalese Palm-leaf MSS; see below, nn. 13, 14].
- TVK *Kṛtyakalpataru. Aṣṭamo bhāgaḥ: Tīrthavivecanakāṇḍam by Bhaṭṭa Śrī Lakṣmīdhara*, edited by K.V. Rangaswami Aiyangar, Baroda 1942.
- TVK(LP) *Liṅgapurāṇa* [as quoted in TVK].

* An earlier version of this article was read in the Prawer Conference in Jerusalem in 1992; it may eventually appear in the Proceedings of that conference.

¹ A summary of archaeological evidence is given in B.P. Singh, *Life in Ancient Varanasi (An account based on archaeological evidence)*, Delhi 1985, pp. 254f. and A. Ghosh, *An Encyclopaedia of Indian Archaeology. Vol. II, A Gazetteer of Explored and Excavated Sites in India*, Leiden etc. 1990, pp. 360-362. Compare, however, A. Ghosh, *The City in Early Historical India*, Simla 1973, p. 64: 'If period I B is regarded as having started in 500 BC, on the basis of the Northern Black Polished Ware occurring therein, a sample from the early phase of the Ware having a carbon-14 date of 490 ± 110 BC, Period I A, with its rampart, can be regarded as dating from 600 BC, the date 800 given to it by the excavator being much on the high side.'

² MBH 6.10.30: Varāṇasī (v.l. reads Varanā); SP 29.42 (quoted in TVK pp. 44, 133); MP 183.62 (the Ānandāśrama edition reads *varāṇasī nādī*; *varanā ca nadī* in TVK p. 39); MP 183.73 (TVK p. 45); MP 184.51 (cf. TVK p. 39). Cf. KKI, p. 4.

³ As far as can be known (the part of the Rajghat excavation reports dealing with seals has not yet appeared) the great majority of the names featuring on the nearly 400 seals assignable to the first three centuries of the Christian era (A. Ghosh, *Encyclopaedia*, [above, note 1], Vol. II p. 361) refers to persons rather than to religious institutions. However, 'it is during the late phase of this period that the Śaiva cult seems to make its modest beginning. This conclusion is also based upon the evidence of sealings.' (B.P. Singh, *Life*, [above, note 1], p. 263). Among the 'Śaiva' seals belonging to this period Thaplyal mentions a seal portraying bull and trident and having the legend *sahasya* in Kuṣāṇa script, which he explains with the words 'Saha is one of the names of Śiva.' Two other seals of this period contain i.a., a *linga* (SAIS, p. 138f.; cf. J.N. Banerjea, *The Development of Hindu Iconography*, Delhi 1956, p. 188).

⁴ MBH 3.82.69. An interpolation (see crit.app. ad MBH 3.82.69), which is not found in TVK p. 240, adds the name Avimukta. Cf. MBH 13.26.14.

⁵ See also H. Bakker (ed.), *The Sacred Centre as the Focus of Political Interest*, Groningen 1992, pp. viif. The *Kuṭṭanīmata* of Dāmodaragupta depicts Vārāṇasī as a peculiar blend of prophane and religious activities. A.M. Shastri, *India as Seen in the Kuṭṭanī-Mata of Dāmodaragupta*, Delhi 1975, p. 243 remarks, 'In the 8th-9th centuries A.D. there was a regular colony of prostitutes, and our poet affords a vivid account of the conversation of courtesans, pimps and maids which Samarabhaṭa is represented to have heard while going to the temple (743-754). The assembly which gathered round Samarabhaṭa after the latter had offered worship to Śiva included prostitutes also (757). It is interesting to note in this connection that the Banaras inscription of Pantha belonging to the eighth century A.D. also notices this peculiar mixture of the spiritual and the worldly and refers to streets of prostitutes [*pratolivilividhajanapadastrivilāsābhirāmaṃ*] at Vārāṇasī (EI IX, pp. 59ff., verse 2).'

⁶ At least three seals with the legends 'Avimukteśvara' or 'Avimukteśvarabha[ṭṭā-raka]' belong, on palaeographical grounds, to this period (JNSI XIX, pp. 171ff.; SAIS, pp. 140f.; J.N. Banerjea *Iconography*, (see above, n.3), pp. 188f.; KKI, pp. 95f.). Three other Gupta seals have the legend 'Mahādeva' (SAIS, p. 138). In addition to Avimukteśvara, there are altogether about ten other Śaiva (*linga*) sanctuaries of Gupta Vārāṇasī known from seals. Four of these, viz. Bhūteśvara (SAIS, p. 139), Yogeśvara (KKI, p. 96; SAIS, p. 142; J.N. Banerjea, *Iconography*, p. 188), Prājñeśvara (= Prāgeśvara or Pragiśvara? KKI, p. 97; cf. SAIS, p. 139), and Bhogakeśvara (KKI, p. 97) could not be found in the *Tīrthavivekanakāṇḍa* (TVK) or the *Kāśīkhaṇḍa* (KKH). The other six or seven Śiva shrines known from seals of the Gupta period are for the first time mentioned again in the *Līṅgapurāṇa* as quoted by Lakṣmīdhara (TVK(LP)), which is different from the published text of that name (see below,

note 36): Hastiśvara (Hasteśvara, KKI, p. 97; SAIS, p. 139; TVK(LP) p. 76), Deveśvara (SAIS, p. 139; TVK(LP) p. 44, 65), Gabhastiśvara (JNSI XIX, p. 176; KKI, p. 97; SAIS, p. 140; TVK(LP) p. 94), Pītakeśvara (Pritikeśvara, JNSI XIX, pp. 170ff.; SAIS, p. 141; KKI, p. 97 reads the legend *prītakeśvarasvāmin*; TVK(LP) p. 111), Bhṛṅgeśvara (Bhṛṅgiśvara, KKI, p. 97; SAIS, p. 139; TVK(LP) p. 84), Gaṅgeśvara (Gargeśvara, KKI, p. 97; TVK(LP) p. 104), and maybe Caṇḍeśvara (known from a seal reading *caṇḍeśvaradāsa*, SAIS, p. 143; TVK(LP) p. 35).

⁷ J.G. Williams, *The Art of Gupta India. Empire and Province*, Princeton 1982, pp. 80f.; EB, p. 66. Thaplyal in SAIS, p. 161 observes: 'A large number of sealings of Rajghat bear the device of a pair of feet (*pādukās*) and the legend *puṣyasaras*.' Thaplyal speculates that, though one of these seals was found in Ayodhyā, there existed a Vaiṣṇava shrine, Puṣyasaras by name, in Vārāṇasī itself, the priests of which distributed these sealings to devotees. Several Rajghat seals bear Vaiṣṇava symbols such as *cakra*, *gadā*, *garuda*, *śrīvatsa*, and *śaṅkha*, whereas others bear Vaiṣṇava names like Mādhava, Haridāsa, etc. (SAIS, p. 158; KKI, p. 99).

⁸ PPAÑC. pp. 372-378. For the development of this myth and its various versions see Hans Bakker, 'Early Mythology Relating to Vārāṇasī,' in: Rana P.B. Singh (ed.), *Banāras (Vārāṇasī). Cosmic Order, Sacred City, Hindu Traditions. Festschrift to Prof. R.L. Singh*, Varanasi 1993, pp. 21-28.

⁹ This seems to be a vestige of a still earlier version of the myth, in which Vārāṇasī did not become the 'never left' (*a-vimukta*) residence of Śiva, but was deserted and taken over by demons; cf. the SP version, in which wild animals (*mrga*) take the place of the *rākṣasa* (SP 26.63).

¹⁰ *a-vimukta*: 'not left.' For two other interesting etymologies of *avimukta* see JNSI XIX, pp. 172f.

¹¹ For a discussion of this image see i.a. A.S. Altekar, *History of Benares*, Benares 1937, pp. 26f.

¹² S. Beal (tr.), *Si-Yu-Ki. Buddhist Records of the Western World. Translated from the Chinese of Hiuen Tsiang (A.D. 629)*, Delhi 1969 (reprint of the London 1884 edition), Vol. II, pp. 44f.

¹³ For the oldest and most important of these MSS see H.P. Śāstri, *A Catalogue of Palm-leaf and Selected Paper MSS belonging to the Durbar Library, Nepal (to which has been added a Historical Introduction by C. Bendall)*, Calcutta 1905, p. lii (reprinted with a concordance by Reinhold Grünendahl, Stuttgart 1989 [*Verzeichnis der orientalischen Handschriften in Deutschland, Supplementband 31*]); T.R. Gambier-Parry, *A Catalogue of Photographs of Sanskrit MSS purchased for the administrators of the Max Müller Memorial Fund*, Oxford/London 1930, pp. 22-25; *Brhatsūcīpatram* [Index of Old MSS in the National Archives, Nepal. By Bābu Kṛṣṇa Śarmaṇ], Vol. 8, p. 278; H. Bakker, 'Some Methodological Considerations with respect to the Critical Edition of Puranic Literature,' in E. von Schuler (ed.), *XXIII. Deutscher Orientalistentag. Ausgewählte Vorträge*, Stuttgart 1989, p. 335, n. 28a.

¹⁴ The manuscript is dated as was first pointed out by M. Witzel, 'On the Archetype of Patañjali's Mahābhāṣya,' *Indo-Iranian Journal* XXIX (1986), p. 256 n.9, where he briefly refers to this very MS, though solely from the point of view of its palaeographical interest. Witzel reads the date as 252 and says that this is Mānadeva [= Aṃśuvarman] *saṃvat*. Bhaṭṭarāi (see below) reads the date as 234 and in our opinion he is correct. 234 Aṃśuvarman *saṃvat* would correspond to AD 810. Witzel may have been confusing this MS with the *Parameśvaratantra* MS in Cambridge (which is dated 252, though this too is no doubt Aṃśuvarman era instead of Harṣa as suggested by Bendall in his catalogue). This would make the manuscript, as Witzel remarks, one of the oldest dated manuscripts found in Nepal. On palaeographical grounds too, the manuscript may, in our opinion, safely be dated before AD 1000. Its script is comparable to that of the Nepalese palm-leaf Pāli MS that was edited by Oskar von Hinüber, *The Oldest Pāli Manuscript. Four Folios of the Vinaya-Piṭaka from the National Archives, Kathmandu*, Stuttgart 1991. This *Skandapurāṇa* MS was used by Bhaṭṭarāi for his edition of the text under the title of *Skandapurāṇasya Ambikākhaṇḍaḥ* (Kathmandu 1988).

¹⁵ A team has been formed at the Institute of Indian Studies (University of Groningen) to prepare a critical edition of this oldest version of the *Skandapurāṇa*, which is extant in three recensions, one called the *Ambikākhaṇḍa*. We have reported on this project in the *Indo-Iranian Journal* 37 (1994), 325-331: 'Towards a Critical Edition of the Skandapurāṇa' by R. Adriaansen, H.T. Bakker and H. Isaacson.

¹⁶ In addition to these holy sites the SP 29.5-8, 30.22-43 gives an elaborate description of a park (Udyāna), shown by Śiva to Pārvatī, with luxuriant flora and fauna.

¹⁷ See note 6 above, note 36 below. A shrine known from a post-Gupta seal (7th century according to Thaplyal in SAIS, p. 139), viz. Kalaśeśvara, is mentioned in the *Kuṭṭanīmata* of Dāmodaragupta (c. 800 AD) according to A.M. Shastri, *India as Seen in the Kuṭṭanī-Mata* (above n. 5), p. 242. This text also mentions Vṛṣabhadhvaja (= Vṛṣadhvaja of MBH 3.82.69 and SP 29.28-29) and Gambhīreśvara, which is possibly identical to the Gabhastīśvara known from seals and TVK(LP).

¹⁸ The twelve *līṅgas* described in the SP, other than Avimukteśvara, came to form a group in later texts, which formation may have had its starting point in the two summarizing verses in SP 29.60-61 (quoted in TVK p. 135): *śaileśaṃ saṃgameśaṃ ca svarlīṇaṃ madhyameśvaraṃ/ hiraṇyagarbhaṃ īśānaṃ goprekaṣaṃ savṛṣadhvajam// upaśāntaśivaṃ caiva jyeṣṭhasthānanivāsinam/ śukreśvaraṃ ca vikhyātaṃ vyāghreśaṃ jambukeśvaraṃ/ dṛṣṭvā na jāyate martyaḥ saṃsāre duḥkhasāgare//*. The same group of twelve *līṅgas*, in which Śukreśvara is corrupted to Śuddheśvara and Vyāghreśa to Vyādeśa, and to which two places are added by what seems to be a misconception of the above verses, viz. Īśāneśvara (*caīśānaṃ īśvaraṃ*; note SP reading *hiraṇyagarbhaṃ īśānaṃ*) and Deva—each of these fourteen supplemented by their respective bathing places—is found again in TVK(LP) p. 121f., where it forms the

Caturdaśāyatanayātrā. Evidently this group of *tīrthas* constituted the first *yātrā* of Vārāṇasī as far as recorded. This *yātrā* is also found in the *Tristhalīsetu* p. 264 (Ānandāśrama ed.), which reads (correctly) Śukreśvara and Vyāghreśa and designates Deva (at the Catuḥsamudrakūpa) as *nivāsaka*, i.e. Nivāseśvara (note SP reading *jyeṣṭhasthānanivāsinam*). The same (including Īśāneśvara and Nivāseśvara) is found in KKH 73.60-65, where it is said that this yearly *yātrā* should be made by those who seek release, since it produces the overall effect of the holy field (*kṣetrasaṃsiddhidāyini*). This *yātrā* is found again in the last chapter of the *Kāśīkhaṇḍa* (100.51-62) in a textual version that is close to that of TVK(LP) p. 121f. (but reading correctly Śukreśvara and Vyāghreśa) and that, like TVK(LP), prescribes the worship of Deva at the Catuḥsamudrakūpa instead of Nivāseśvara (KKH 100.57). The present location of the twelve original *lingas* is plotted on a map that is included in H. Bakker, *Early Mythology* (see above, note 8).

¹⁹ This ensues from a collation of the text passages that the SP and MP have in common. A full assessment will be given in the *Prolegomena* to the critical edition of the *Skandapurāṇa* that is in preparation (see above, n. 15).

²⁰ It is noteworthy that several of the text passages of the printed MP that are indicated by the editors of the Ānandāśrama as being spurious neither occur in Lakṣmīdhara's TVK. This concerns in particular the *ślokas* that feature names of *tīrthas*, such as e.g. Viśveśvara (MP 182.17ab, cf. TVK p. 17; MP 184.69, cf. TVK p. 60) and Maṇīkaṇṇī (MP 182.24cd, cf. TVK p. 17; MP 185.69, cf. TVK p. 60), although the latter *tīrtha* is already known (under the name Maṇīkaṇṇikā) from the 7th century *Daśakumāracarita* Ch. 4. It would seem that the text of the *Matsyapurāṇa* has gone through a process of 'updating' in later centuries, a process for which we can partially compensate by basing ourselves principally on the text quoted in the TVK. It can not be excluded that there once existed an earlier version of the MP chapters at issue that was contemporaneous with, or even older than the SP.

²¹ MP 182.6-7, omitted in TVK, p. 16.

²² MP 182.23cd-24ab, 25-27, TVK p. 17f. This connexion of Vārāṇasī with dying and the dead is confirmed by an outsider, Alberuni, whose description of Benares must have been written between AD 1017 and 1030. The only myth relating to Vārāṇasī told by the Arab scholar is that of Kapālamocana ('Liberation of the Skull')—without mentioning a *tīrtha* by that name, which seems in accordance with MP 183.84-103, where the *ślokas* (MP 183.101, 103) specifying this name are dubious (significantly, in its quotation of MP 183.101, TVK p. 22 reads *śmaśānam etad* instead of *kapālamocanam*, whereas MP 183.103 is omitted). Kapālamocana is mentioned for the first time as a toponym in *Brahmapurāṇa* quoted in TVK, p. 30; cf. the Gāhaḍavāla inscription of AD 1122 (EI IV, 110). Alberuni further describes Benares as the meeting place of wanderers and ascetics who come to live here till they die (E.C. Sachau (tr.), *Alberuni's India. Edited with Notes and Indices*, Delhi etc. 1964 (reprint of the London 1910 edition), Vol. II, pp. 146f.).

²³ H. Kulke & D. Rothermund, *Geschichte Indiens*, Stuttgart etc. 1982, p. 15.

²⁴ It has been argued by i.a. C. Colpe, 'Zur Bezeichnung und Bezeugung des "Heiligen Krieges",' *Berliner Theologische Zeitschrift*, I (1984), p. 199 and W. Burkert, 'Krieg, Sieg und die Olympischen Götter der Griechen,' in F. Stolz (ed.), *Religion zu Krieg und Frieden*, Zürich 1986, p. 81, that 'holy war' is a phenomenon related to monotheistic religions. In H. Bakker, 'Ayodhyā: a Hindu Jerusalem. An Investigation of "Holy War" as a Religious Idea in the Light of Communal Unrest in India,' *Numen*, XXXVIII (1991) this thesis is examined in view of the developments around what once was the Babri Masjid in Ayodhyā in present-day India.

²⁵ *°nijabhujopārjitaśrīkanyakubjādhipatyāśrīcandradevo* [...] (EI IX, 304; etc.); *kanyākubje 'karod rājā rājadhānim aninditām* (SEL.INS. II, 280f.).

²⁶ GD, pp. 180f.

²⁷ EI XIV, 197; R. Niyogi, 'The Praśasti Sections of the Candrāvati Grants of Vs. 1150 and 1156,' *Indian Historical Quarterly*, XXV (1949), p. 36. The Vasantatilaka verse eulogizing Candradeva's pious and generous conduct is included in the standard text of all land grants (Sircar in EI XXXV, 202): *tīrthāni kāsīkuśīkottarakosalendrasthānīyakāni paripālayatābhigamya/ hemātmatulyam anīśaṃ dadatā divijebhyo yenānkitā vasumatī śataśas tulābhiḥ*/. His warriors, however, seem to have behaved in a somewhat less sublime manner: *keśān ākarṣa harṣād apahara kuçayor ambaraṃ bhinddhi sandhīn udgādhān kañcukasya praṇama caraṇayor nūpurāsaktahastah/ nīvīm unmuñca kāñcīm apanaya na cirād ittham udvelarāgaś cakre vai saṃka(thā)nām (?) svapatir iva rate yasya luṇṭan bhaṭaughah*/. (SEL.INS. II, 275). The shared semantics of war and sex plays is elucidated in e.g. M. Hara, 'The Holding of the Hair (*keśagrahaṇa*),' in *Acta Orientalia* XLVII (1986), pp. 67-92.

²⁸ H. Bakker, *Ayodhyā. Pt.I The History of Ayodhyā from the 7th century BC to the middle of the 18th century. Its development into a sacred centre with special reference to the Ayodhyāmāhātmya and the worship of Rāma according to the Agastyasaṃhitā. Pt.II Ayodhyāmāhātmya. Introduction, Edition, and Annotation. Pt.III Appendices, Concordances, Bibliography, Indexes, and Maps*, Groningen 1986, I pp. 53f., II, 256ff. The existence of an important temple in Ayodhyā named Viṣṇuhari is apparently confirmed by a spurious inscription that is claimed to have been 'recovered on December 6, 1992, from the walls of the so-called Bābri Masjid.' A.M. Shastri, 'Ayodhyā and God Rāma,' in: *Purātattva* 23 (1992-93), 37, gives an outline of the contents of this inscription ('a large rectangular stone-slab (measuring about 5 × 2 ft.) bearing a twenty-line inscription' [...]) 'engraved in the chaste and classical Nāgari script of the eleventh-twelfth century A.D.'). Shastri notes that 'Line 15 of this inscription, for example clearly tells us that a beautiful temple of Viṣṇu-Hari, built with heaps of stone (*śilā-saṃhati-grahais*), and beautified with a golden spire (*hiraṇya-kalāśa-śrī-sundaram*) unparalleled by any other temple built by earlier kings (*pūrvvair-apy-akṛtaṃ kṛtaṃ nṛpatibhir*) was constructed.' It remains as

yet unclear which king ordered the construction of this temple, but he seems not to have been a Gāhaḍavāla.

²⁹ Candravati Plates VS 1150 (AD 1093), incompletely edited in EI XIV, 192ff. EI XXVI, 270 and EI XXXV, 203 give the additional information (cf. R. Niyogi, 'The Praśasti Sections,' *IHQ*, (see above, note 27), p. 37; SEL.INS. II, pp. 273–8): *haimāni yena maṇibhiḥ khacitāny anārghyair dattāni viṣṇuharaye ca vibhūṣaṇāni/ kāśyām vyabhūṣayad anekasuvarṇaratnair yaś cādikeśavavibhoḥ pratimām niveśya* //8//. See also H. Bakker, *Ayodhyā*, (see above, note 28), I, pp. 51f.

³⁰ E.g. Candradeva in VS 1156 (EI XIV, 198f.), Madanapāla in VS 1164 (JRAS 1896, 787f.), Govindacandra in VS 1187 (JASB LVI, Pt. I, pp. 106–113), VS 1188 (IA XIX, 252), and in VS 1197 (EI XXVI, 268ff.), Jayacandra in VS 1230 (EI IV, 123f.).

³¹ EI IV, 119f.: *śrīmadvārāṇasyām gaṅgāyām snātvā devaśryādikeśavasamnidhau [...] bhagavataḥ kṛṣṇasya pūjām vidhāya etasyaiva dikṣāgrahaṇapraśtāve [...] mahārājaputraśrījayacandrena [...]*.

³² The centre of the religious activity of the Gāhaḍavālas evidently lay in the northern part of present-day Vārāṇasī along the Vārāṇasī (Varaṇā) river and from its confluence with the Gaṅgā down till Trilocanaghaṭṭa. In this district (called *rājadhānī vārāṇasī* by Jinaprabhāsūri, see below, note 43) lay, besides Ādikeśava and Trilocana, all the *tīrthas* mentioned in the Gāhaḍavāla inscriptions apart from Lolārka, viz. Kapālamocana (Govindacandra VS 1178 (EI IV, 110)), Kṛttivāsas (where Jayacandra performed a *tulāpuruṣa* in VS 1231 (EI IV, 126)), Koṭitīrtha (located according to TVK, pp. 53f. near Bhiṣmacaṇḍikā and the cremation ground (*śmaśāna*), probably along the Varaṇā), where Govindacandra took a bath in VS 1207 (EI VIII, 159), and Vedeśvaraghaṭṭa, where Govindacandra took a bath in VS 1197 (EI IV, 114) and which, according to TVK p. 44, lies south of Keśava. In this district the house was also situated that Govindacandra in VS 1171 (AD 1114/5) gave to Dāyīśarma, viz. to the east of the Pañcomkāra (i.e. Oṃkāra) temple and Aghoreśvara and to the west of Indramādhava and Lauḍeśvara (EI VIII, 153).

³³ *hammīraṃ nyastavairam muhur asamarāṇakrīḍayā yo vidhatte* (IA XVIII, 16). Compare the introduction of the *Dānakāṇḍa* of the *Kṛtyakalpataru* (p. 48) in which Lakṣmīdhara says that Govindacandra killed the Hammīra-vīra. The rebuffed Muslim leader probably was 'some officer of the contemporary Yamīnī sultan of Ghazni and Lahore, Mas'ūd III ibn Ibrāhīm (c. AD 1099-1115)' (GD, p. 58).

³⁴ *vārāṇasīm bhuvanarākṣaṇadakṣa eko duṣṭā(t) turuṣkasubhaṭṭād avitum hareṇau ukto haris sa punar atra babhūva tasmād govindacandra i(t) viprathitābhīdhānah* // EI IX, p. 324 and SEL.INS. II, 296 vs.16; both these editions do not restore the hypometrical reading of the original in *pāda* d, viz. *iviprathitā'*, but, without any notification, read *iti prathitā'*. Compare the claim to the same effect of Govindacandra's grandson, Jayacandra (AD 1170-1194), in an inscription dated VS 1243 (AD 1187), in the very year that the thread from the west was stepped up by Mu'izz al-Dīn Muḥammad Ghūrī's capture of Lahore: *tasmād adbhutavikramād atha*

jayacandrābhīdhānaḥ patir bhūpānām avatīrṇa eṣa bhuvanoddhārāya nārāyaṇaḥ/ (dvaidhī)bhāvam apāsyā vīgraharuciṃ dhikkṛtya śāntāśayāḥ sevante yam udagra-bandhanabhayaḍvhaṃsārthinaḥ pāṛthivāḥ//13// (IA XV, 11).

³⁵ The Amareśvara Temple Inscription of AD 1063 counts Avimukta among the five great *liṅgas* (EI XXV, 185). Lakṣmīdhara adds to the older text material of the MP and SP the more recent *Liṅgapurāṇa* (see below, note 36), which highlights Avimukta by describing the origin of the *liṅga*: *divyaṃ varṣasahasraṃ tu stuto 'haṃ vividhaiḥ stavaiḥ/ utpannaṃ mama liṅgaṃ tu bhittvā bhūmiṃ yaśasvini// teṣāṃ anugrahārthāya lokānāṃ bhaktibhāvataḥ/ vārāṇasyāṃ mahādevī tatra sthāne sthito hy aham// TVK(LP), p. 41.*

³⁶ The fact that this text mentions the sanctuary of Keśava at the confluence of Varāṇā and Gaṅgā (TVK p. 44) seems to imply that it was composed between AD 1090/93, the probable date of the founding of the sanctuary (see above), and the reign of Govindacandra (AD 1109-1155), when Lakṣmīdhara composed his *Tīrthavivecanakāṇḍa*. The prefix Ādi^o in the Gāhaḍavāla inscriptions may point to the existence of another, older Keśava temple, which the sanctuary at the confluence was meant to replace: possibly the Keśava/Kṛṣṇa temple that must have stand at the Bakaria Kund (see above). Because complete *adhyāyas* of this *Liṅgapurāṇa* are quoted, inclusive their colophons, which is rather unusual, and this text does not reappear in other *kāṇḍas* of the *Kṛtyakalpataru*, it would seem that this text, which almost exclusively deals with *liṅgas*, was some kind of local *māhātmya*, associated with the *Liṅgapurāṇa* on account of its contents, composed in the Gāhaḍavāla period when Vārāṇasī prospered and the need for a complete survey was felt. Lakṣmīdhara, apparently aware of the late character of the text, only quoted from it when he did not find the same material in his other sources.

³⁷ The penultimate, seventeenth *adhyāya* of the LP quoted in TVK describes several *yātrās*, among which the Caturdaśāyatanayātrā (see above, n. 18).

³⁸ Mādhāinagar Copper-plate (date illegible) in SEL.INS. II, 127 vs.11: *yenāsau kāśīrājāḥ samarabhuvi jito*. See also the Bowal (i.e. India Office) plate dating from the 27th regnal year, EI XXVI, p. 6. Cf. R.C. Majumdar, *History of Ancient Bengal*, Calcutta 1971, p. 233.

³⁹ EI XXXIII, 322 (cf. SEL.INS. II, 131-139) vs.12: *velāyāṃ dakṣiṇābdher musala-dharagadāpāṇisaṃvāsavyāyāṃ kṣetre viśveśvarasya sphuradasivaraṇāśleṣagaṅgor-mibhāji/ tīrotsaṅge trivenyāḥ kamalabhavamakhārambhanirvyājapūte yenocair ya-jñāyūpaiḥ saha samarajayastambhamālā nyadhāyi//12//*. According to Sircar (against this R.C. Majumdar, *History of Ancient Bengal*, Calcutta 1971, pp. 249f.), the Viśvarūpa/Sūryasena palimpsest inscriptions (Edilpur and Madanapāḍa copper-plates) tell us that Viśvarūpa's 'exploits at Banāras and Allahābad have to be assigned to the period when his father Lakṣmaṇasena was ruling [...]. Viśvarūpasena must have commanded the Sena forces against the Gāhaḍavālas as his father's general' (EI XXXIII, 318). This would imply that the *yuvārāja* Viśvarūpa was in Vārāṇasī

(and Prayāga and Puri) before AD 1193. Apart from the fact that the crown prince probably was a child at that time, there is no evidence whatsoever that the Senas managed to penetrate that far into India at such an early date, and the absence of any declaration of such an achievement in Lakṣmaṇasena's own records (the declaration of victory over the king of Kāśī made in his later inscriptions [see above, n. 38] seems hardly to do justice to this heroic feat) is very conspicuous.

Another possibility is that the crown prince Viśvarūpa organized a raid into the former Gāhaḍavāla kingdom after the latter had collapsed, that is in the times that chaos prevailed throughout northern India (AD 1193-1200) (GD, pp. 105f.). However, the in our view most plausible explanation of the fact pointed out by Sircar, viz. that it was Viśvarūpa's son, Sūryasena, who acclaimed his father's pillars of victory (later corroborated by Viśvarūpa himself in his 'Calcutta Sāhitya Parishat Plate,' see N.G. Majumdar, *Inscriptions of Bengal*, vol. III, Rajshah 1929, p. 144 vs. 14), seems to be, that Viśvarūpa, installed as king after the death of Lakṣmaṇasena in AD 1206, made use of the period of confusion and internal strife that followed the death of Bakhtiyār Muḥammad Khaljī—a Turkish soldier of fortune, who had conquered great parts of Bengal (in AD 1202), but whose army was totally destroyed in a catastrophic campaign in Kāmarūpa (E&D, II pp. 309-314)—a period that lasted until his murderer, 'Alī Mardān, had succeeded in reorganizing his forces, i.e. from AD 1206 to 1210 (E&D, pp. 314-317), when the Gangetic Plain lay open for any well-organized force. From the above it follows that the pillar of victory was erected in Vārāṇasī by Viśvarūpa, most likely after the demolition of the town by the Muslims. Evidently, Viśvarūpa did not have the means or time to erect a larger structure such as a temple. He might have selected the site of Viśveśvara because it was situated at the central hill, in the middle of (ruined) Vārāṇasī and because of its association with his own name (Viśvarūpa – Viśveśvara).

⁴⁰ Cf. V.S. Pathak, 'Religious Sealings from Rajghat,' *Journal of the Numismatic Society of India*, XIX (1957), p. 174: 'Thus, Avimukteśvara was the most sacred deity of the city only up to the concluding decade of the twelfth century AD and from the very beginning of the thirteenth century AD Viśveśvara enjoyed that status. This sudden rise of Viśveśvara within almost a decade is inexplicable.'

⁴¹ EB, p. 133: '[...] the hilltop of Vishveshvara. Looking down upon the busy streets two stories below, it is amazing to see how completely the city has hidden this hilltop. Here, on the highest ground in all central Benares, is Razia's Mosque.' Cf. M.A. Sherring, *The Sacred City of the Hindus: An Account of Benares in Ancient and Modern Times*, London 1868, p. 55: '[...] but, on the eastern side of the enclosure (of the modern Viśvanātha temple), the ground becomes considerably elevated, and upon it stands a mosque built of very old materials, the pillars of which date as far back as the Gupta period, and possibly earlier. May not these old stones and pillars be remains of the original Bisheśwar?' Under the thick layers of white-

wash old (Hindu) pillars are certainly distinguishable, but whether they are as old as conjectured by Sherring is doubtful.

⁴² A. Führer, *The Sharqi Architecture of Jaunpur*, edited by Jas. Burgess, Calcutta 1889, p. 51: *tasyātmaṇaḥ śucidhīraḥ padmasādhur ayaṃ bhuvi* // 2 // *kāśyāṃ viśveśvaradvāri himād-īśi(kh)aropamam/ padmeśvarasya devasya prāsādam akarot sudhīḥ* // 33 // . Cf. P. Prasad, *Sanskrit Inscriptions of Delhi Sultanate 1191–1526*, Delhi etc. 1990, pp. 149–152. EB, p. 133 mistakes the Saṃvat date for the Christian era. Cf. KKI, p. 190.

⁴³ Jinaprabhasūri, *Vividhatīrthakalpa*, crit. ed. by Jina Vijaya, Śāntiniketan 1934, p. 74: 1 *devavārāṇasī*, yatra *viśvanāthaprāsādaḥ*, 2 *rājadhānī vārāṇasī*, yatrādyatve *yavanāḥ*, 3 *madanavārāṇasī*, 4 *vijayavārāṇasī*. For discussion of these four districts see KKI, p. 195. For the date of this text see J.P. Jain, *The Jaina Sources of the History of Ancient India (100 BC-AD 900)*, Delhi 1964, p. 220.

⁴⁴ Cf. D.L. Eck, 'A Survey of Sanskrit Sources for the Study of Vārāṇasī,' *Purāṇa* xxii, (1980), p. 84: 'On the one hand, it seems to this writer unlikely that the literary care and attention lavished upon the many shrines of Kāśī would have arisen from the era of ruin and debilitation that followed the attack of Mahmud of Ghur's general Qutb-ud-din-Aibak in 1194.' Eck underestimates the psychological resilience of the Hindus of northern India who, also in the 14th century, produced an ocean of traditional Sanskrit literature.

⁴⁵ It seems that the practice of calling newly composed texts *khaṇḍas* of the *Skandapurāṇa* might have started in the 12th century. Lakṣmīdhara still only quotes from an undivided *Skandapurāṇa*, which is to be identified with the text we are presently editing (SP). The earliest mention of specific *khaṇḍas* of the *Skandapurāṇa* by name is to the best of our knowledge found in the list given by Ballālasena of texts *not* drawn on for his *Dānasāgara*. This royal scholar (AD 1169–70), father of the king of Gauḍa (Bengal), Lakṣmaṇasena, mentioned above, noted three *khaṇḍas*, viz. Paundra^o, Revā^o, and Avanti^o, in addition to the undivided SP: *pracaradrūpataḥ skandapurāṇaikāṃśato 'dhikam/ yat khaṇḍatritayam paundrarevāvantikathāśrayam* // (*Dānasāgara*, edit. by Bh. Bhattacharya, Calcutta 1953, p. 7). The majority of his quotations from the undivided *Skandapurāṇa* can be traced in SP. Another 12th-century author, Devaṇabhaṭṭa (AD 1150–1225), quotes from a *Nāgarakhaṇḍa* in the *Āśaucakāṇḍa* (p. 173, 176) of his *Smṛticandrikā* (edit. by R. Shama Sastry, Mysore 1921). All his other quotations (mainly in the *Śrāddhakāṇḍa*) are from the *Skandapurāṇa* as such, but we have so far not succeeded to find any of them in SP. The titles of the Revā^o, Avanti^o and Nāgara^o *khaṇḍas* are known from the published *Skandapurāṇa*. Hemādri (AD 1260–70) quotes from seven *khaṇḍas* by name, though the larger part of his *Skandapurāṇa* quotations does not specify a *khaṇḍa* (see R.C. Hazra, *Studies in the Purāṇic Records on Hindu Rites and Customs*, Dacca 1940, pp. 325ff.). Hemādri assigns seven *ślokas*, which deal with gold (*Śrāddhakhaṇḍa* p. 663f.), to a *Kāśīkhaṇḍa*, but these are not found in the printed

text of that name. It has been argued in H. Bakker, *Ayodhyā*, (see above, note 28), I pp. 129f., that the *Vaiṣṇavakhaṇḍa* of the printed *Skandapurāṇa* was composed at the close of the 13th or in the 14th century. The *Kāśikhaṇḍa* may have been composed in approximately the same period. It cites old and new locations for several temples, hence 'its final composition must have been after the destruction of many of the city's temples in 1194' (D.L. Eck, *Survey*, (see above, note 44), p. 83 and EB, p. 347). This statement is based on the thorough investigations of K.N. Sukul, *Vārāṇasī Vaibhav*, Patna 1977, pp. 278ff. The earliest testimonies for the *Kāśikhaṇḍa* appear in the 15th century, viz. Vācaspatimiśra's *Tīrthacintāmaṇi* (R.C. Hazra, *Studies*, (see above), p. 326) and Śrīnātha's Telugu version of this text.

It goes without saying that, when we date the composition of the *Kāśikhaṇḍa* around AD 1300, this does not imply that all its contents was created at that date. Parts of its material may even date from before the catastrophe of AD 1193. We have tried to clarify the process of composition of this type of *māhātmya* literature in H. Bakker, *Ayodhyā*, (see above, note 28), I pp. 126ff. and H. Bakker, *Methodological Considerations*, (see above, note 13).

⁴⁶ KKH 52. EB, p. 151f. TVK(LP) p. 116 only mentions cursorily a 'Daśāśva-medhikaliṅga.'

⁴⁷ KKH 59-61. EB, pp. 234ff. TVK(LP) p. 96 mentions a 'Pañcanadiśvaraliṅga,' but is silent on Bindu Mādhava. The Bindu Mādhava temple was destroyed and replaced by a mosque in the time of Aurangzeb.

THE FEMALE POLE OF THE GODHEAD IN TANTRISM AND THE *PRAKṚTI* OF SĀṂKHYA

KNUT A. JACOBSEN*

Summary

The dualism of the consciousness principle (*puruṣa*) and the material principle (*prakṛti*) in the Sāṁkhya and Pātañjala-Sāṁkhya (Yoga) traditions of religious thought has often been thought of as a dualism of a male and a female principle. Contrary to what is often assumed however the material principle of Sāṁkhya and Pātañjala-Sāṁkhya does not possess a female identity. This paper argues that the identification of the Sāṁkhya and Pātañjala-Sāṁkhya *prakṛti* with a female principle among scholars is due to a very selective use of evidence and too much dependence on later sources, especially the Tantric religious systems in which the female-male polarity was utilized for the interpretation of the ultimate reality, the structure of the world and the means to attain liberation. The way the Tantric religions utilized the Sāṁkhya dualism of *prakṛti* and *puruṣa* to illustrate the female-male polarity of ultimate reality illustrates the manner in which the Tantric religions reinterpreted elements of earlier systems of religious thought and transformed them according to their own purpose and the process of borrowing and synthesizing of what had come before them typical of the Hindu religious traditions.

1. Polarity and Dualism in Tantrism and Sāṁkhya

One of the key characteristics of Tantrism is the understanding of the divine and the world as being sexually polarized into male and female aspects. The female pole of Tantric Hinduism is understood as an active principle and the source of the world and is in theology personified as a goddess. While it is common to see the Sāṁkhya dualism of *puruṣa* and *prakṛti* as a precursor to the male-female polarity of the ultimate principle in the Hindu systems of thought, the material principle of Sāṁkhya (*prakṛti*) is not a female principle and the feminization of *prakṛti* is due to the arising of Tantrism and Śāktism that is posterior to the development of Sāṁkhya. The understanding of the Sāṁkhya dualism of *puruṣa* and *prakṛti* as a male-female dualism

seems to a large degree to be based on the influence of the Tantric interpretations of reality. Sometimes the interpretation of Sāṃkhya by Indian and Western scholars seems to be heavily influenced by the Tantric tradition of seeing ultimate reality as polarized into a male and a female principle. When the Tantric paradigmatic understanding of the world as being caused and constituted by the interaction of male and female forces becomes the basis for the interpretation of the Sāṃkhya system of thought, as is sometimes the case in contemporary interpretations, then the Sāṃkhya system is transformed into Tantrism.

Hindu Tantric sects emerged perhaps as an innovation among ascetics as a reaction to forms of renunciation. Hindu Tantric sects have usually been small groups of initiated ascetics.¹ There seems to be some agreement that Tantric traditions spread throughout India from around 500 C.E. or perhaps earlier and the first Hindu Tantric texts calling themselves Tantras began to appear in written Sanskrit around 800 C.E.² By around 1000 C.E. Tantric theory and practice began to have observable profound effects on the “mainstream” Hindu religions.³ The Tantric traditions “revised, reshaped and recast much of what preceded it.”⁴ Tantrism is often defined by the listing of its constituents. Hardy has however correctly noted that attempts to define Tantrism through cataloging its constituents necessarily fail because all the items of such lists are more or less Indian universals.⁵ *Mantra*, *yantra*, *mudrā*, *pūjā*, *śakti*, etc., are almost all-pervasive in Hindu religions. Tantrism therefore represents to a large degree the reorganizing of various elements of Vedic religion and Hinduism and exemplify the processes of inclusion, inversion and hierarchization typical of religious change in India. Thus the originality of Tantrism lies not so much in its components but in the way in which it organized them into a new pattern.⁶

In Hindu Tantrism the female pole is the dynamic aspect of the ultimate, it is the pole of energy and activity. All that manifests and dissolves itself in the cosmos is conceived as products of the association and disassociation of the male and female principle in which the female principle is understood as the active and the male princi-

ple the passive. In Tantrism the divinity is constituted by a sexual polarity conceived as a divine couple such as Śiva-Śakti, Viṣṇu-Śrī, Rādhā-Kṛṣṇa, etc. In Sāṃkhya also the association of the active principle (*prakṛti*) and the passive principle (*puruṣa*) is the precondition of the existence of the manifest world. But *puruṣa* and *prakṛti* in Sāṃkhya are beyond the divinities and are not personified. According to Sāṃkhya the divine world is eight fold starting with Brahmā, Prajāpati, Indra, etc. The divinities are products of the association of *puruṣa* and *prakṛti* but there is no significant sexual symbolism in the divine world. In Tantrism the relationship between the male and female principle is theologized. Śakti is personified as a goddess, while the Sāṃkhya *prakṛti* is devoid of consciousness and can not be a person. The concept of Śakti in Tantrism refers to all forms of activities and change, and also in Sāṃkhya all activity is thought of as taking place in *prakṛti*. The distinguishing of one principle as passive and the other as active in the process of manifestation of the world is common in Tantrism and Sāṃkhya, but the difference is that in Tantrism the passive and active principles constitute the male and female side of the bipolar ultimate principle. According to Tantrism this activity is part of the consciousness principle which is characterized both by activity (*kriyā*, *spanda*) and consciousness, i.e., Śiva and Śakti are ultimately one. According to Sāṃkhya the activity principle and the consciousness principle are ultimately separate. Both *śakti* according to Tantrism and *prakṛti* according to Sāṃkhya are the material cause and substratum of the world, but *prakṛti* does not inhere in another principle such as *puruṣa*, while the activity principle, according to Tantrism, inheres in the consciousness principle which is inseparable from its activity. In Sāṃkhya *prakṛti* is the substratum of the world but the consciousness principle (*puruṣa*) is independent from it. In Tantrism sometimes all manifestations are viewed as resulting from a sexual relationship between a male and a female principle. According to Sāṃkhya, all manifestations are due to the association of two principles, *puruṣa* and *prakṛti* but this association is not understood as a sexual relation between persons. Both Sāṃkhya and Tantrism accept *satkāryavāda*, i.e., that the effect pre-

exists in the cause in a subtle state and is ultimately non-different from it. The whole manifest world exists in a subtle undifferentiated state before its manifestation. According to Tantrism everything inheres ultimately in the consciousness principle which is both knowledge and activity, and therefore everything is consciousness, while according to *prakṛti* all material effects inhere in the material cause, *prakṛti*, but the consciousness principle is separate and independent from the material principle which constitutes all phenomena, i.e., everything is not consciousness. Tantrism is therefore ultimately monistic and Sāṃkhya dualistic. According to Sāṃkhya separation dissolves the manifestation and association is the logical cause of manifestation, while according to Tantrism union is the ultimate truth and separation the cause of creation. Both Sāṃkhya and Tantrism emphasized the polarity of the ultimate. Sāṃkhya emphasized the total difference and separation of *prakṛti* and *puruṣa*, but according to Tantrism, being monistic, the polarity is ultimately one. This difference has been well described by S.B. Dasgupta:

Though in a popular way *Puruṣa* and *Prakṛti* of the Sāṃkhya system have somehow been related together in the process of cosmic evolution, metaphysically they are two distinct and self-sufficient realities and it is because of the distinct nature of *Puruṣa* and *Prakṛti* that various controversies have arisen as to the exact nature of the realization. In the Tantras and other Śaiva and Śākta literature, the primordial god and the primordial goddess, or Śiva and Śakti, as they are commonly called, are not two distinct ultimate realities; they represent two aspects of the absolute reality and sometimes Śakti is conceived of as contained in Śiva as his kinetic energy. The absolute truth is a union of Śiva and Śakti. Śiva represents pure consciousness which is inactive—the static aspect of the ultimate reality, while Śakti represents the world force—the dynamic aspect of the ultimate reality.⁷

Prakṛti in Sāṃkhya is primarily *triṣaṇa*, i.e., the *sattva*, *rajas* and *tamas*, a material energy capable of rational ordering (*sattva*), spontaneous activity (*rajas*) and determinate formulation or objectivation (*tamas*).⁸ This *prakṛti* is neither a goddess nor are the constituents personified. In Tantrism the *sattva*, *rajas* and *tamas* are identified with Sarasvatī, Lakṣmī and Kālī.⁹

Salvation according to Sāṃkhya is a result of separation of the *puruṣa* and *prakṛti* principle. The Tantric approach, on the other hand, can be described as “the concrete, ritual means of personally realizing the unity of Śiva and his Śaktis, of establishing individually the union of the absolute with the world of phenomena.”¹⁰ Dyczkowski writes:

The opposites separate and merge in rhythm with the pulsating union of Śiva and Śakti. This play of opposites is itself the absolute, the supreme form of Spanda. When Śiva and Śakti unite, the universe, formerly experienced as a reality set apart from consciousness, ceases to exist. When they separate, it is once more created.¹¹

It has also been suggested that there are two traditions of yoga in India. One is the yoga of Sāṃkhya, Buddhism, Jainism, etc., and the other is the Tantric Yoga of the Śaiva-Śākta schools.¹² One is the yoga of secession, the other the yoga of sublimation. In Sāṃkhya, *puruṣa* is the pure knower and all activity belongs to *prakṛti*. The goal is to realize *puruṣa* devoid of *prakṛti* by dissolving the transformations of *prakṛti*. Tantric yoga on the other hand conceives of consciousness not only as seer (*draṣṭṛ*) but also as spontaneous doer (*kriyā*). Consciousness is force (*śakti*) expressing itself in spontaneous effortless activity. Mishra explains:

The ultimate consciousness which is the Self or Śiva, actually Śiva and Śakti or *Jñāna* and *Kriyā* or *Prakāśa* and *Vimarśa*—both in one. In the Pātañjala traditions of yoga, however, the self is conceived only as Śiva or *Prakāśa* or *Jñāna*; the Śakti or *Vimarśa* or *Kriyā* aspect is left out.¹³

Sāṃkhya and Tantrism are probably historically related systems and if Tantric sects emerged among ascetic groups as a reaction to forms of renunciation, as suggested, it was perhaps partly a reaction to the yoga of cessation of the Sāṃkhya system. Tantrism usually accepted much of the Sāṃkhya system, such as the twenty-five *tattva*-s, although they added additional principles above the *puruṣa* principle, thus including the Sāṃkhya principles but making them inferior to the ultimate consciousness and the powers (*śakti*-s). Their concept of the sexual polarity of the divine is, however, radically different from the Sāṃkhya dualism.

2. The Presentation of the *Prakṛti* of Sāṃkhya as a Feminine Principle

Many Indian scholars think that Tantrism is a direct continuation of Sāṃkhya,¹⁴ and the statement that the *prakṛti* of Sāṃkhya is a female principle is repeated again and again by historians of religions.

Systematic arguments that *prakṛti* is a woman is found in the studies of D.P. Chattopadhyaya and N.N. Bhattacharyya. Chattopadhyaya has claimed unconditionally that “*prakṛti* originally meant the female”.¹⁵ Chattopadhyaya argues:

It is true that *prakṛti* of Sāṃkhya meant the material principle. What is often overlooked, however, is the circumstance that overtly female characteristics were also attributed to the same... the *prakṛti* was compared to the dancing girl and the shy bride... the terminologies like *kṣetra* and others, by which the *prakṛti* was constantly referred to in the Sāṃkhya texts, probably had an overt feminine significance. These show that *prakṛti* was not merely a material principle but also a female principle.¹⁶

The view that *prakṛti* of Sāṃkhya was a female principle has also been argued repeatedly by N.N. Bhattacharyya. Bhattacharyya argues that *prakṛti* originally stood for the “mother earth” or the “fruitbearing soil” and that this mother earth principle became in Sāṃkhya the “female principle.” Bhattacharyya writes:

In the present form of the Sāṃkhya, as well as in the Tantras, the term *Prakṛti* has acquired a purely metaphysical connotation, but basically it stood for the Mother Earth, the fruit bearing soil. The cause of the material world is thus nothing but matter, since *Prakṛti* is the primordial matter or substance. In the Sāṃkhya, this primordial principle is represented as the Female Principle. The relation between *Puruṣa* and *Prakṛti* is explained in terms of the relation between a man and a woman.¹⁷

Bhattacharyya also writes that “the conception of a material *prakṛti* evolved from that of a material Earth Mother supposed to represent the forces that stimulate the generative powers of nature.”¹⁸ He understands *prakṛti* to be charming *puruṣa* “just as a woman charms a man,”¹⁹ and he even thinks that *prakṛti* refers to the sexual organ of the female: “The concept of *Yoni*, i.e., female organ or female womb, as the first principle... found its best theoretical expression in the

Sāṃkhya concept of Prakṛti or Pradhāna, the material as well as the female principle of creation, the substratum of the earlier Tantras.”²⁰ Bhattacharyya argues that Sāṃkhya through time lost much of its original content and this was replaced by Vedānta ideas.²¹ He also, like Chattopadhyaya, connects the origin of the concept of *prakṛti* to possible matriarchal societies in Ancient India. He suggests that the role of the husband in a female-dominated society finds its expression in the Sāṃkhya philosophy of *prakṛti* as the active and *puruṣa* as the passive principle, thus suggesting that the concept of *prakṛti* mirrored the social positions of women in society.

Also historians of religions, especially specialists in the Hindu goddess traditions, identify the Sāṃkhya *prakṛti* as a female principle. Several illustrations from recent publications can be given.

William P. Harman writes:

The dualism of the influential Sāṃkhya philosophical system personifies the two ultimate realities, *puruṣa* (“spirit”) and *prakṛti* (“matter”) as respectively, male and female.²²

Likewise Kathleen M. Erndl writes:

In the Sāṃkhya system and the Yoga school based on it, Prakṛti has a somewhat negative connotation; it is seen as the web of matter in which the spirit, Puruṣa, is entrapped. Liberation in Sāṃkhya-Yoga terms is isolation (*kaivalya*) of Puruṣa (literally, the male) from Prakṛti. This formulation is similar to the Greek (and subsequently Christian) identification of the male with spirit and the female with matter, with the devaluation of the latter.²³

Here the Sāṃkhya *prakṛti* is identified as a female and the *prakṛti-puruṣa* dualism of Sāṃkhya is understood as a male-female dualism and as expressing a similar devaluation of women as in Greece and in Christianity. The understanding of the Sāṃkhya *prakṛti* as a feminine principle is also defended by some specialists on Sāṃkhya. R.J. Parrott writes that:

When the Sāṃkhya gives praise to this world, his affection is expressed in a very personalistic way. I have tried to impart this personal flavor in my writing by maintaining the linguistically correct ‘she’ (*sic*) in regard to Prakṛti. The more commonly used ‘it’ misrepresents the classical Sāṃkhya attitude toward

Prakṛti as the world. In the Kārikā the world is personal, and because this world sets Puruṣa free, 'she' is ultimately worthwhile.²⁴

The identification of Śiva and Śakti with *puruṣa* and *prakṛti* became of foremost importance with the growth of the Tantric tradition. Here *prakṛti* and *puruṣa* have become female and male principles. Thus Ajit Mookerjee and Madhu Khanna write in a popular presentation of Tantrism:

All manifestation according to tantra, is based upon a fundamental dualism, a male principle known as Puruṣa (Cosmic Consciousness) and a female principle known as Prakṛti (Cosmic Force of Nature). Prakṛti, Nature, is synonymous with Śakti (female energy). Puruṣa and Prakṛti are the cosmicized versions of the earthly, phenomenal male and female. In reality, the whole world, the entire manifold of experience, is Śiva-Śakti, Puruṣa and Prakṛti, Male and Female.²⁵

In Tantrism *prakṛti* was identified with Śakti, the goddess, and the female side of the male-female polarity of the ultimate principle. Tantrism reordered and reinterpreted the various constituents of Vedic and Hindu religions. It is not correct by historians of religion, however, to identify the female principle of Tantrism with the Sāṃkhya *prakṛti* because the Sāṃkhya *prakṛti* preceded the Tantric female principle in time. While Tantra, no doubt, might be influenced by Sāṃkhya to some degree, Sāṃkhya was not a Tantric philosophy, and the Tantric understanding of concepts can not be applied to Sāṃkhya without changing Sāṃkhya into Tantrism. In Tantrism the polarity of the absolute is a male-female polarity, the polarity of Sāṃkhya is a consciousness-matter dualism. The dualism of *prakṛti* and *puruṣa* was reinterpreted by Tantrism and given gender specific meaning and became included in the Tantric systems. There is no evidence that this polarity was used by Sāṃkhya to express gender. If it were, then Sāṃkhya would be misunderstood as a philosophy of liberating males (*puruṣa*) from women (*prakṛti*) which is not supported by their metaphysics.

On logical grounds Sāṃkhya *prakṛti* cannot be thought of as a person since it is devoid of consciousness. All manifestations are due to the association of *puruṣa* and *prakṛti*. Thus males as well

as females are constituted by *puruṣa* and *prakṛti*. The *Śākta* perspective, by personifying *prakṛti*, had to reject the Sāṃkhya view of unconscious (*acetana*) matter. When *prakṛti* became a goddess, or was identified with the Goddess, Devī, the older Sāṃkhya dualism between passive consciousness and active materiality was abandoned. By personifying *prakṛti*, consciousness was automatically ascribed to it, and consciousness and materiality merged into a monistic concept. The Devī, it has been suggested, is a combination of the quality of a dispassionate witness usually ascribed to *puruṣa* and the quality of a compassionate mother.²⁶ The *Devī-Bhāgavata Purāṇa* says:

The Sāṃkhya philosophers say that of the two principles, *puruṣa* and *prakṛti*, it is *prakṛti*, the creatrix of the world, that is devoid of consciousness (*caitanya*). But can you (Devī, identified with *prakṛti*) really be of such nature, for (if this were so), how could the abode of the world (Viṣṇu) be made unconscious by you today?²⁷

According to Sāṃkhya, personification depends on, and is caused by, the association of the two ultimate principles. Female experience is based on the same fundamental association of soul and matter as is male experience. The Sāṃkhya and Yoga analysis of soul and matter seems with respect to this to have greater similarity to Jainism than to Tantrism.

One common argument used to defend the view that *prakṛti* is a female is to refer to selected similes used to illustrate the nature of *prakṛti* in *Sāṃkhyakārikā* (350-450 C.E.). In *kārikā* 59 *prakṛti* is compared to a female dancer who after having been seen by the audience, withdraws. To make an argument from this simile about the femininity of *prakṛti* is to carry a simile too far. There are also other similes in which *prakṛti* is compared to milk (*Sāṃkhyakārikā* 57), a cook (*Tattvakaumudī* on *Sāṃkhyakārikā* 56), etc., but no-one argues that *prakṛti* is in reality milk or a cook. The promoters of the thesis of the femininity of *prakṛti* use the material selectively. Similes are often used to illustrate a single point and should be used with care. To say that a certain person is scared like a mouse does not imply that that person is in reality a mouse, but that he is scared. That *prakṛti* withdraws like a female dancer who has completed her

performance means that *prakṛti* withdraws when it has completed its task, i.e., when it has been identified as different from the soul principle, and not that it is a female dancer. Sāṃkhya is a system of practice aimed at the liberation (*mokṣa*) of the self (*puruṣa*), and reading *Sāṃkhyakārikā* as a piece of poetry means to fail to understand Sāṃkhya as a religious system of practice.

Prakṛti transforms itself into the world. Things of the world such as rivers, agricultural fields, earth, etc., are products of *prakṛti*. But *prakṛti* is not the direct material cause of these things. According to Sāṃkhya, the first material product of *prakṛti* is intellect (*buddhi*) and intellect transforms itself into egoity (*ahaṃkāra*). Egoity transforms itself into sense-capacities and subtle elements (*tanmātra*-s). *Tanmātra*-s transform themselves into gross elements (*mahābhūta*-s). Rivers and agricultural fields are transformations of the gross elements. Therefore although *prakṛti* is the ultimate material cause of rivers and agricultural fields, it is not the direct material cause. Gross elements are products of subtle elements which are products of egoity. The argument that because rivers and agricultural fields are particularly connected to the female in Hindu mythology, therefore *prakṛti* is particularly connected to the female, is not valid.

Prakṛti in Sāṃkhya and Yoga has also other names: *pradhāna* (n), *avyakta* (n) and *aliṅga* (n). If *prakṛti* was a female person why would she be called by these neuter names? The grammatical feminine gender of *prakṛti* is due to the “*ti*” suffix and is purely grammatical. In Sanskrit grammatical gender does not coincide with gender identities in the world.²⁸ *Vyakti* means an individual, including a male person, but is likewise the feminine grammatical gender because of the “*ti*” suffix. The Sanskrit word for female breasts is *stana* (m) and for beard is *māsuri* (f), but no-one would say beard is a characteristic of female beings and female breasts of males. In the Sanskrit language “the assignment of genders is purely arbitrary.”²⁹ There is also nothing “feminine”, or for that sake “masculine” in most of the synonyms of *prakṛti*, except in a purely grammatical sense. The predicates of *avyakta* (*prakṛti*) in SK 10 and 11 like “without a cause” (*ahetu-mat*), “eternal” (*nitya*), “without transmigration” (*niṣkriya*), “single”

(*eka*), “ultimate” (*aliṅga*), “independent” (*svatantra*), “consisting of the three constituents” (*triguṇa*), “non-different” (*avivekin*), “object” (*viṣaya*), “without consciousness” (*acctana*), “productive” (*prasavadharmin*), etc., or the predicates and synonyms of *prakṛti* in Proto Sāṃkhya sources such as “firm” (*akampa*), “imperishable” (*akṣara*), “undecaying” (*akṣaya*), etc., are neither “feminine” nor “neuter” nor “masculine” except in a grammatical sense. Few of the attributes of *prakṛti* have any association to anything “female”, and the attributes of being “productive” (*prasavadharmin*) and “field” (*kṣetra*) are only two of its many characteristics. The dualism between *prakṛti* and *puruṣa* is not originally an expression of the female-male duality, but *prakṛti* and *puruṣa* became epithets of the female-male divine couple.

3. Some Meanings of the Term “*Prakṛti*”

Prakṛti in Sāṃkhya is a technical term for the ultimate material principle. But what other meaning did this Sanskrit term have? The term in the earliest texts (phonetics, grammar, ritual texts), which may of course not carry the “original” meaning, meant simply “first”, “original”, “in its natural state”. The adjective *prakṛti* in the sense of “original” or “normal” is already in use in the *Śatapatha Brāhmaṇa* (800 B.C.E.?) 1.1.2.7. (*etar hi prākṛtāni*) and 2.2.5.1. (*prākṛto 'śva-medha*).³⁰ The Vedic religion centered around the technique of sacrifice. This technique was considered so powerful that even the activity of the divinities could be controlled by it. In this tradition *prakṛti* was used in a technical sense from the period of the *Vedāṅga*-s (from around 500 B.C.E.). In phonetics, grammar, and ritual theory *prakṛti* had nothing to do with any feminine principle. It referred to unchanged sounds, stems of words and specific sacrifices. In Phonetics the phonetically unaltered sound is *prakṛti*. In grammar (*vyākaraṇa*) the roots and stems from which, when suffixes and prefixes are added, numerous words are produced, are called *prakṛti*. The Grammar of Pāṇini derived all the forms of the Sanskrit language from the operation of affixes (*pratyaya*) and bases (*prakṛti*).³¹ The separation of roots and affixes (*prakṛti-pratyaya-vibhāga*) was therefore the most important work of grammar. The bases are of two kinds: verbal (*dhātu*)

and nominal (*prātipadika*). The rules in *Aṣṭādhyāyī* show how affixes are added to bases (*prakṛti*) to generate correctly inflected forms of the language.

In texts dealing with instructions and explanation of the Vedic rituals, *prakṛti* means “the archetypal” or “model sacrifices”. In Jaiminī’s *Mīmāṃsāsūtra*, *prakṛti* is used in a large number of *sūtra*-s in the sense of paradigmatic original sacrifice.³² The model (*prakṛti*) is the archetype on which the modified sacrifices (*vikṛti*-s) are based. *Prakṛti*-s are the sacrifices whose processes are related in full in the Vedic statements enjoining them. *Pūrvatva* (7.1.11, 8.1.28), the prior or model sacrifice, *apūrva* (8.3.25, 9.3.20), the first and *anuttara* (8.4.15), the principal, are sometimes used as synonyms of *prakṛti*. *Darśapūrṇamāsa*, the new and full moon sacrifices, are the archetype for all the sacrifices of oblations (*iṣṭi*-s). *Agniṣṭoma* is the archetype for the soma sacrifice, and *nirūḍha paśubandha* is the archetype for the animal sacrifices (*paśuyajña*). *Prakṛti* means here the model from which innumerable modified sacrifices are derived. The details and accessories which are necessary to perform the modified sacrifices (*vikṛti*-s) but which are not found prescribed, are brought in or transferred from the model sacrifices (*prakṛti*). This process is called *atideśa*. The general law of transference is: the modified sacrifice is to be performed according to the model sacrifice (*prakṛtivad vikṛtiḥ kartavya*).³³ *Baudhāyana Śrauta Sūtra* 24.5 says: “That which is the paradigm (*prakṛti*) is the precedent, and that which one creates from it, is the subsequent.”³⁴ The principles of model (*prakṛti*) and derived sacrifice (*vikṛti*) relate all sacrifices to each other.

A related use of *prakṛti* is found in the texts of the medical schools. In the medical literature *prakṛti* means “physical health”, “one’s natural condition”, and is contrasted to disease (*vikṛti*, *vikāra*). *Caraka Saṃhitā* (100-200 C.E.), *Vimānasthāna* 8.88, says that the disturbance of the equilibrium of the *dhātu*-s is invariably indicated by the onset of disease (*dhātu-vaiṣayam lakṣaṇam vikārāgamah*),³⁵ and *Caraka Saṃhitā*, *Sūtrasthāna*, 16.17 says after describing the proper treatment that “his normal health is restored” (*prakṛtiś cānuvartate*).³⁶

Prakṛti means also one's constitution and temperament as determined by the mortality factors (*doṣa*-s). Seven types (*prakṛti*) of persons are distinguished according to which of the *doṣa*-s predominate.

To maintain good health, it is said, one should always remember one's own nature (*prakṛtim abhikṣṇam smaret*, *Caraka Saṃhitā*, *Sūtrasthāna*, 8.27).³⁷ In the Ayurvedic texts *prakṛti* means the normal, ordinary pattern, the natural way, the nature of the person, his physical constitution, and his health. *Caraka Saṃhitā* says: "Disease (*vikāra*) is the disequilibrium of constituents (*dhātu*-s) and their equilibrium is health (*prakṛti*)."³⁸

In Jainism *prakṛti* is used to denote matter in the form of *karman*. In Jainism *karman* is material stuff (*pudgala*) that binds and produces changes in the soul. Walter Schubring explains that "by the merging with matter the beings are subjected to the *karman*. If they were not charged with *karman* the souls would lead that existence in the highest possible regions attributed to the *kevalin* after his parting from the world."³⁹ Before it enters the soul the *karman* stuff is undifferentiated. Various natures or types (*prakṛti*) of *karman* are molded from this *karman* matter after interaction with the soul has begun. The Jains explain that bondage of the soul can be understood from four points of view, one of which is *prakṛti*.⁴⁰ The specific nature (*prakṛti*) assumed by the previously undifferentiated *karman* matter is determined by the type of activity performed. The nature of karmic matter is first divided into eight kinds (*mūlaprakṛti*-s) (knowledge obscuring, perception obscuring, energy obstructing, belief and conduct obstructing, duration of life determining, body type determining, family type determining, and pain and pleasure producing), and these eight kinds are subdivided into 148 main classes called the 148 *prakṛti*-s.

In the Pāli scripture of Buddhism, *prakṛti* (*pakati*) means "regular", "normal", "unrestrained", "common", "original", etc. It is often said that Buddhism absorbed much of the popular mythology of ancient India, and it is therefore significant that the use of *pakati* in the Pāli

scripture shows no influence of any mythology of a female divine principle called *prakṛti*.⁴¹

According to the teaching of the science of politics of *Arthaśāstra* (300 C.E.), the state (*rājya*) is constituted by seven elements (*prakṛti*-s or *aṅga*-s).⁴² This list with small variations is found in several texts and seems to refer to an established doctrine.⁴³ There is a tendency to believe that these elements are ordered hierarchically, the king being the highest, then the minister, etc., and that they possess productive force. *Manusmṛti* (9.295) and *Kauṭilya Arthaśāstra* (8.1.5) note that “each earlier named is more important” (*pūrvam, pūrvam gurutaram/garīyaḥ*), and when calamities befall or any of the seven elements deteriorate, those that befall the preceding elements are more serious. The *prakṛti*-s are also the generative causes of the kingdom without which the kingdom would not be, as the gold is the cause of the earring. The kingdom arises and collapses according to the arising and dissolution of the elements (king, minister, army, etc.).

That *prakṛti* is a word concerning the field of birth and production was well known by Pāṇini (350 B.C.E.). He discussed the rules of grammatical cases associated with material cause and production.⁴⁴ *Prakṛti* means material cause also in the *Brahmasūtra* and *Vaiśeṣikasūtra*. In *Brahmasūtra*, the material cause is that which is in its original form, the base, while in *Vaiśeṣikasūtra*, material cause means the combination of causal factors.⁴⁵

From the evidence of the history of the word *prakṛti* it is clear that it did not originally mean “the female” nor was it particularly associated with anything “female”.

4. The Feminization of *Prakṛti*

In contemporary India *prakṛti* means nature, character, material cause, but it is also understood to refer to women or something feminine. K.M. Ganguli (Pratap Chandra Roy) writes in a footnote to his translation of the *Mahābhārata*: “Women in almost all the dialects of India derived from Sanskrit, are commonly called *Prakṛti* or symbols of *Prakṛti*, thus illustrating the extraordinary popularity of

the philosophical doctrine about *Prakṛti* and *Puruṣa*.⁴⁶ It has to be asked, when the identification of *prakṛti* with the feminine occurred. If the *prakṛti* of Sāṃkhya was not thought of as feminine, what events caused *prakṛti* and the feminine to be identified? The identification seems to have been caused by the arising of Śāktism and Tantrism.

Prakṛti is not a personal name of a goddess in the Hindu tradition, that is, there is no goddess with the name *prakṛti* in the Hindu tradition, of whom images (*mūrti*-s) are made or to whom worship (*pūjā*) is performed, but *prakṛti* is adopted as one of the epithets of female divinities. The material principle was, as such, identified with various female divinities (Durgā, Lakṣmī, Rādhā, Pārvatī, etc.).⁴⁷ This use is associated with *Purāṇa*-s, *Āgama*-s, *Samhitā*-s and especially Śākta texts and the use of the epithet *prakṛti* is, probably, a sign of the ongoing process of Sanskritization of religious cults.⁴⁸ The *Devī-Māhātmya* section of the *Mārkaṇḍeya Purāṇa* (500-600 C.E.?) is probably the earliest example of this type of devotional texts in which *prakṛti* is used as an epithet of a female divinity.⁴⁹

The term *prakṛti* of Classical Sāṃkhya was adopted by these religious cults but the meaning was transformed in the theological speculations into ideas about divinity, in which goddesses personify a female principle identified with *prakṛti* and gods a male principle identified with *puruṣa*. The creation myth in which creation takes place after the first being (the self [*ātman*] in the form of a person) has transformed himself into a human male-female pair, and thereafter into the male-female pair of different species such as cow/bull, mare/stallion, she-ass/he-ass, she-goat/he-goat, etc., first described in *Bṛhadāraṇyaka Upaniṣad*, is found subsequently in many texts.⁵⁰ In *Bṛhadāraṇyaka Upaniṣad* 1.4.17 it is said that the self (*ātman*), existing alone in the beginning, desired a wife in order to procreate.⁵¹ In *Praśna Upaniṣad* 1.4, upon answering the question from what source creatures come from (*kuto ha vā imāḥ prajāḥ prajāyante*), it is said that Prajāpati, desirous of offspring, performed austerity and produced a pair, matter (*rayi*) and life (*prāṇa*), thinking “these two will make creatures for me in manifold ways.”⁵² In later texts the female in this creation myth is sometimes called *prakṛti*. The *Liṅga*

Purāṇa 5.28-33 says that in the beginning of the creation Brahmā had created a being with a body half man's and half woman's. Then the creator said: Divide yourself. By dividing himself in two, a female was born. The text says that all the women in the world are born of the female part. Everything feminine in gender is she herself.⁵³ In late texts devoted to the goddess the female divine beings as well as female human beings are identified with a principle called *prakṛti*, which, in these texts, is a term for what can, perhaps, be called "the female principle". In the Śaiva and Śākta systems, Śiva and Śakti are not two distinct ultimate principles but they are two aspects of the absolute reality. In these systems the absolute truth is the union of Śiva and Śakti. The male and the female in the visible world represent a polarity present in the nature of the absolute as Śiva and Śakti.⁵⁴ Thus all men and women are the physical manifestation of the ontological principles Śiva and Śakti, Kṛṣṇa and Rādhā, Puruṣa and Prakṛti. The female principle is the dynamic active principle and in popular theology Śakti, Rādhā, and Prakṛti all refer to this same principle.⁵⁵ The world proceeds from the union of Puruṣa and Prakṛti which is bliss, and according to some schools such as the Sahajiyā, men should realize their true nature as Kṛṣṇa and women their true nature as Rādhā, and the love that exists between such men and women becomes divine love and the realization of such an emotion becomes the ultimate religious goal.⁵⁶ Dasgupta refers to a creation myth found in a late text, *Ghanarāma*, where it is told how, in the primordial void, the supreme god first revealed himself in a form which contained the potency of all creation. The divinity desired to create and from his desire for creation was born Prakṛti in the form of a most beautiful and charming woman. The divinity was disturbed at the sight of her beauty, and through his disturbance, *Prakṛti* was infused with the three constituents (*guṇa*-s) from which the three gods Brahmā, Viṣṇu and Śiva were born.⁵⁷ The principle of matter is here identified with the "female principle".

According to *Ahīrbudhnya Saṃhitā*, *prakṛti* is a power (*śakti*) of God, by which he has originated the world.⁵⁸ In the goddess cults manifested in texts such as *Devī-Māhātmya* and *Lakṣmī Tantra*, the

goddess is the primordial matter (*prakṛti*) that evolves into creation, but she also transcends matter.⁵⁹ According to Pāñcarātra, Nārāyaṇa is endowed with a power (*śakti*) called *prakṛti* which is identified with Lakṣmī or Śrī.⁶⁰

Part of the confusion about the term *prakṛti* is that it is used often for the twenty-fourth principle, i.e., the *prakṛti* of Sāṃkhya, as material cause in general and for the *śakti*, the female power. According to R. Giri four phases of Śakti are described in the *Purāṇa*-s.⁶¹ In the first phase, Śakti is identified with the ultimate reality and is non-different from this reality. In the second phase, it is a power of the ultimate reality (Śiva). In the third, Śakti is an instrument of his play and Śakti is called Brāhmaṇī, Lakṣmī, Rudrāṇī, etc. In the fourth phase, it is *prakṛti* or the material cause of the world, identified with the *mūla prakṛti* of Sāṃkhya. This is however an idealized pattern, and Giri correctly notes that, “sometimes the word *Prakṛti* is used for the first, second or the third Phase of Śakti.”⁶² In the *Śiva Purāṇa*-s *prakṛti* often refers to Umā, Girijā, Mahādevī, and Mahāmāyā to denote any of the phases of manifestation.⁶³ This loose terminology characterizes also the *Āgama*-s, *Samhitā*-s and the *Tantra*-s, and is well illustrated in the Pāñcarātra text *Lakṣmī Tantra*. *Prakṛti* in this text is both an epithet of Lakṣmī and a name of the twenty-fourth principle. In *Lakṣmī Tantra* 4.51, Lakṣmī says she is called *prakṛti* since she is the material cause of the universe. In 6.42-44, on the other hand, thirty-five elements are listed ending with the highest Bhagavān. Here *prakṛti* is the twenty-fourth principle following the Sāṃkhya system while *māyā* is the twenty-sixth and *śakti* who is the Mahālakṣmī, is the thirty-second principle.⁶⁴ In the systems of Kashmir Śaivism, *prakṛti* is the twenty-fourth as in Sāṃkhya, but these systems accept a total of thirty-six principles. According to these systems, *śakti*, *māyā*, and *prakṛti* become manifested in a hierarchical order. The thirty-sixth principle is Śiva. The thirty-fifth to thirty-second principles are dominated by *śakti*, the divine energy, which polarizes reality into subject and object. The thirty-first to twenty-sixth principles are dominated by *māyā* which conceals the divine nature. While these principles belong to the cosmos, the twenty-fifth principle, *puruṣa*, is the indi-

vidual subject and the twenty-fourth, *prakṛti*, is the foundation of the objective experience of the individual. The twenty-third, to the final first earth principle are similar to the Sāṃkhya and Sāṃkhya-Yoga principles. These principles have been brought forth by the divine.⁶⁵ This process of manifestation, is caused, according to Abhinavagupta, by the free will of Śiva, who is both the material and instrumental cause of the world.⁶⁶

When *prakṛti* is personified as a goddess, she is prayed to as a divine power.⁶⁷ In the late texts *Devī Bhāgavata Purāṇa* (1000-1700 C.E.) and the *Brahmavaivarta Purāṇa* (1300-1500 C.E.), *prakṛti* is a name of a divine feminine principle, a goddess.⁶⁸ At the beginning of creation the Parātman divided himself into a male and female half. His left side was the female *prakṛti*. In the *Prakṛti Khaṇḍa* (1) of *Brahmavaivarta Purāṇa* and the ninth book of *Devī Bhāgavata Purāṇa* (9.1.1), it is said that the entire *Prakṛti* consists of five parts.⁶⁹ The five manifestations of her are the goddesses Rādhā, Lakṣmī, Sarasvatī, Sāvitṛī and Durgā. These goddesses are called the five highest *prakṛti*-s. Saṣṭhī Devī is later said to be a sixth part of *prakṛti* (1.71-95).⁷⁰ Also the goddesses Gaṅgā, Tulasī Devī, Manasā, Maṅgala Chaṇḍikā, etc., are said to be part both of the five highest *prakṛti*-s and of the *mūlaprakṛti*. The modifications of *prakṛti* in these texts are female goddesses. Also women in general are said to be incarnations of the goddess *Prakṛti* since *Prakṛti* descends to the world in the form of women. The descriptions of *prakṛti* in these texts are descriptions of goddesses and women.

The ascription of a female quality to the concept *prakṛti* is historically late in appearance. It seems to express a merging of a philosophical principle and mythological figures, namely the Sāṃkhya *prakṛti* and traditions of goddess worship and Tantrism. It has been suggested by several authors that the association of the term *prakṛti* with the goddess was dependent on the Sāṃkhya system, in which *prakṛti* was the material cause and thus related to the field of productivity and on the sanskritization of the various goddess traditions.⁷¹ This process is detectable at an early stage in the *Devī-Māhātmya*, a text in which *prakṛti* is used as an epithet of the goddess. *Prakṛti* be-

came a name for goddesses and women in general, but this use is late. The *Brahmavaivarta Purāṇa* derives all goddesses and women from an original cause called *Prakṛti* which is here a cosmic female principle. But this text is late, probably from the 15th-17th century. How late in time this process occurred can be illustrated with the fact that Rādhā who together with Kṛṣṇa is the main character of the text, in the *purāṇic* literature is mentioned no earlier than the thirteenth century.⁷² The process of feminization of *prakṛti* has been well synthesized by Brown:

In the older Sāṃkhya school, *prakṛti* had been contrasted with *puruṣa*, spirit, not in sexual terms but rather as the material over against the efficient cause of the universe. Though *puruṣa* was regarded as a masculine principle, being masculine in gender and literally meaning ("man"), *prakṛti* was not thought of as specifically feminine in essence, despite its feminine gender. ... Gradually, however, *prakṛti* became 'feminized' as it was increasingly identified with the "womb of the world" (*jagad-yoni*), and thus material nature was interpreted as maternal nature or Mother Nature. Finally, *prakṛti* came to be associated with various goddesses, such as Devī or Durgā. *Prakṛti* is no longer the insentient material principle, but a conscious, animating force within all matter. Furthermore, *prakṛti* is now related to *puruṣa* not so much as material to efficient cause, but as a woman to man and as creator to procreator.⁷³

That *prakṛti* is no longer an unconscious material principle but a conscious animating force means that it has been identified with *śakti*, the female power which ultimately is both consciousness and activity. Śakti is a power of consciousness in Tantrism, because everything is ultimately consciousness and because Śiva is both knowledge (*jñāna*) and activity (*kriyā*), two in one.

The post-Sāṃkhya religious developments meant that the identity of being feminine in a different sense than just the grammatical, was ascribed to the term *prakṛti*. A similar development seems to have occurred in Tantric Buddhism but here the dynamic pole was identified with the male and the female principle was not conceived of as a *śakti*. Thus in Tantric Buddhism wisdom (*prajñā*) was identified with the passive female and skillful means (*upāya*) was identified with the active male. It seems that this personification of *prajñā* as a female goddess and *upāya* as a male god was caused by a similar process of

personifying abstract concepts which in their origin were not thought of in terms of gender, except in a grammatical sense, and were unrelated to mythological figures. Since the terms had little to do with personification in the original speculations, when they became personified, the grammatical gender of the terms was, perhaps, one of the factors that influenced which of the terms would become male and female. This helps explaining that *upāya*, the dynamic principle, became the male and *prajñā*, the static principle, became the female, thus representing Tantric Buddhism as a reversal of the Hindu Tantric speculations.⁷⁴ When the paradigm of man and woman has been chosen to illustrate the polarity of the absolute then the static and dynamic aspect of the creative function of the absolute have to be assigned to either the male or the female, respectively. It can be argued that the fact that the static principle in Tantric Buddhism is female and the dynamic is male shows that the polar symbolism is primary and the assignment of functions of less importance. Thus also the reversal of gender ascription of the passive and active principle in Tantric Buddhism suggests that the female-male sexual polarity was added to the Sāṃkhya concepts of *prakṛti* and *puruṣa* which originally were not thought of in terms of gender or sexual symbolism.

University of Oslo
Department of Cultural Studies
P.O. Box 1010, Blindern
N-0315 Oslo, Norway

KNUT A. JACOBSEN

* The author wishes to thank the Research Council of Norway for supporting the research for this article.

¹ André Padoux, *Vāc: The Concept of the Word in Selected Hindu Tantras*, trans. Jacques Gontier (Albany: State University of New York Press, 1990), 39.

² Douglas Renfrew Brooks, *The Secret of the Three Cities: An Introduction to Hindu Śākta Tantrism* (Chicago: The University of New York Press, 1990), 3.

³ Ibid.

⁴ Paul Eduardo Muller-Ortega, *The Triadic Heart of Śiva* (Albany: State University of New York Press, 1989), 49.

⁵ Friedhelm Hardy, "The Classical Religions of India," in *The World Religions: The Religions of Asia*, ed. Friedhelm Hardy (London: Routledge, 1990), 121.

⁶ André Padoux, *Vāc*, 43.

⁷ Shashibhusan Dasgupta, *Obscure Religious Cults*, 3rd ed. (Calcutta: Firma KLM, 1969), 333.

⁸ Gerald James Larson, "Introduction to the Philosophy of Sāṃkhya," in *Sāṃkhya: A Dualist Tradition in Indian Philosophy*, ed. Gerald James Larson and Ram Shankar Bhattacharya, *Encyclopedia of Indian Philosophies*, vol. 4 (Princeton: Princeton University Press, 1987), 65.

⁹ Kamalakar Mishra, *Significance of the Tantric Tradition* (Varanasi: Ardhanārīśvara Publications, 1981), 45.

¹⁰ Hardy, "The Classical Religions of India," 121.

¹¹ Mark S.G. Dyczkowski, *The Doctrine of Vibration: An Analysis of the Doctrines and Practices of Kashmir Shaivism* (Delhi: Motilal Banarsidass, 1989), 100.

¹² Mishra, *Significance of the Tantric Tradition*.

¹³ *Ibid.*, 141.

¹⁴ Agehananda Bharati, *Tantric Traditions*, rev. and enl. ed. (Delhi: Hindustan Publishing, 1993), 207.

¹⁵ Debiprasad Chattopadhyaya, *Lokāyata: A Study in Ancient Indian Materialism* (Delhi: People's Publishing House, 1959), 62. The transliteration of Sanskrit words has been changed in the quotes when deviating from the standard transliteration system to make the same words appear with the same spelling throughout the article.

¹⁶ *Ibid.*

¹⁷ N.N. Bhattacharyya, *History of the Tantric Religion* (Delhi: Manohar, 1987), 113.

¹⁸ *History of the Śākta Religion* (Delhi: Munshiram Manoharlal, 1974), 17.

¹⁹ *History of the Tantric Religion*, 113.

²⁰ *Ibid.*, ix.

²¹ *Ibid.*

²² William P. Harman, *The Sacred Marriage of a Hindu Goddess* (Bloomington and Indianapolis: Indiana University Press, 1989), 10.

²³ Kathleen M. Erndl, *Victory to the Mother: The Hindu Goddess of Northwest India in Myth, Ritual, and Symbol* (New York: Oxford University Press, 1993), 31.

²⁴ R.J. Parrott, "The Worth of the World in Classical Sāṃkhya," *Annals of the Bhandarkar Oriental Research Institute* 71 (1990), 105-106.

²⁵ Ajit Mookerjee and Madhu Khanna, *The Tantric Way: Art, Science, Ritual* (London: Thames and Hudson, 1977), 15-16.

²⁶ C. Mackenzie Brown, *The Triumph of the Goddess: The Canonical Models and Theological Visions of the Devī-Bhāgavata Purāṇa* (Albany: State University of New York Press, 1990), 31, 216-218.

²⁷ *sāṃkhyā vadanti puruṣaṃ prakṛtiṃ ca yām tām caitanya bhāva-rahitām jagataś ca kartrīm, kiṃ tādrśā'si katham atra jagan-nivāsaś caitanyatā-virahito vihitas tvayā'dya. Devī-Bhāgavata Purāṇa* 1.7.29, *Atha Devībhāgavatam* (Bombay:

Śrīveṅkaṭeśvara Steam Press; repr. Bombay: Khemarāja Śrīkrṣṇadāsa, 1983), part 1, p. 19. Trans. C. Mackenzie Brown, *The Triumph of the Goddess*, 31.

²⁸ "In Sanskrit the grammatical gender does not coincide with sex, and words referring to the same object may occur in different genders." Harold G. Coward and K. Kunjunni, "Introduction to the Philosophy of the Grammarians," in *The Philosophy of Grammarians*, ed. Harold G. Coward and K. Kunjunni, Encyclopedia of Indian Philosophies, vol. 5 (Delhi: Motilal Banarsidass, 1990), 12.

²⁹ V.S. Apte, *The Student's Guide to Sanskrit Composition*, (Varanasi: Chowkhamba Sanskrit Series Office, 1984), 2.

³⁰ A.B. Keith writes: "The adjective *prākṛta* in the Śatapatha Brāhmaṇa reveals the existence of the conception Prakṛti, 'ground form', later famous in the Sāṃkhya." *The Religion and Philosophy of the Veda and Upanishads* (1915; reprint, Delhi: Motilal Banarsidass, 1989), 483. Hermann Oldenberg is of the same opinion: "Für die Existenz von *prakṛti* 'Grundform, Grundursache' zeugt das abgeleitete *prākṛta* 'ursprünglich, natürlich' (mehrfach in ŚB)." *Die Weltanschauung der Brāhmaṇa-Texte* (Göttingen: Vandenhoeck und Ruprecht, 1919), 228.

³¹ Harold G. Coward and K. Kunjunni, "Introduction to the Philosophy of the Grammarians," in Coward and Kunjunni, *The Philosophy of the Grammarians*, 15.

³² *The Mīmāṃsā-Sūtras of Jaiminī*, 3.2.28, 3.3.19, 3.3.23, 3.3.24, 3.6.2, 3.6.8, 3.6.9, 3.6.10, 3.6.14, 3.6.16, 3.7.44, 3.8.34, 3.8.44, 5.1.15, 5.1.18, 5.1.19, 5.2.18, 5.2.19, 5.2.22, 5.3.40, 5.4.22, 5.4.25, 6.5.10, 6.6.54, 6.7.15, 6.7.39, 7.3.13, 7.3.21, 7.4.1, 7.4.10, 8.3.9, 8.3.10, 8.3.12, 8.4.15, 8.4.16, 9.2.48, 9.3.1, 9.3.12, 9.3.20, 9.4.1, 9.4.6, 9.4.18, 10.1.45, 10.1.57, 10.2.15, 10.2.17, etc.

³³ See P.V. Kane, *History of Dharmaśāstra* 2d ed. (Poona: Bhandarkar Oriental Research Institute, 1973), vol. 2.2, 1009-90 for discussion of the *Darśapūrṇamāsa* sacrifices, 1133-1203 for *Agniṣṭoma* sacrifices, and 1109-1132 for *Nirūdhapāśubandha*. On the relation between the *prakṛti* and *vikṛti* Surendranath Dasgupta writes: "There are two kinds of sacrifices called *prakṛti* and *vikṛti*. *Prakṛti* is that kind of sacrifice in which all accessories are mentioned fully, such as *darśapūrṇamāsa*. *Vikṛti* is that kind of sacrifice in which the details are not mentioned, but the details of the *mantra* is (*sic*) to be imagined by the analogy of the *prakṛti* sacrifice." *The Mahābhāṣya of Patañjali with Annotations*, 11. Dasgupta notes that the *mantra* is to be formulated on analogy of the *mantra* of the *prakṛti*, which implies grammatical changes like *agnaye tvā* to *sūrāya tvā*. "Such a change cannot be made if the sacrificer has no knowledge of grammar." Ibid., 10. See also Ganganatha Jha, *Pūrva-Mīmāṃsā in Its Sources* (Varanasi: The Banaras Hindu University, 1964), 289. S.G. Moghe defines *atideśa* as "the rule on the basis on which the details of the *Prakṛti-yāga* (original *yāga*) are transferred to the *Vikṛti-yāga* (modified *yāga*)." "The Evolution of the Mīmāṃsā Technical Term *Atideśa*," *Annals of the Bhandarkar Oriental Research Institute* 58-59 (1977-78): 777.

³⁴ Quoted in Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion* (New York: Oxford University Press, 1989), 125.

³⁵ *Agniveśa's Caraka Saṃhitā: Text with English Translation and Critical Exposition Based on Cakrapāṇi Datta's Āyurveda Dipikā*, 3 vols., ed. R.K. Sharma and V.B. Dash (Varanasi: Chowkhamba Sanskrit Series Office, 1976), vol. 2, 258.

³⁶ *Ibid.*, vol. 1, 303.

³⁷ *Ibid.*, vol. 1, 179.

³⁸ *Vikāro dhātu-vaiśamyam sāmānyam prakṛtir ucyate (Caraka Saṃhitā, Sūtrasthāna 9.4)*. *Ibid.*, vol. 184.

³⁹ Walther Schubring, *The Doctrine of the Jainas*, trans. Wolfgang Beurlen (Delhi: Motilal Banarsidass, 1962), 173.

⁴⁰ (There are four) kinds of that (bondage) according to nature (*prakṛti*) (of *karman* matter), duration (*sthiti*) (of the attachment of karmic matter to the soul), the fruition (*anubhāva*) (being strong or mild), and the number (*pradeśa*) (of *karman* molecules which attach to the soul), *prakṛti-sthity-anubhāva-pradeśās tad-vidhayaḥ*. *Tattvārthasūtram 8.3. Tattvarthadhigama Sutra, A Treatise of the Essential Principles of Jainism by Umasvami Acharya*, ed. and trans. J.L. Jaini (1920, repr. New York: AMS Press, 1974), 158.

⁴¹ For a discussion of *pakati* see Knut A. Jacobsen, "Ordinary Nature: Pakati in the Pāli Scripture," *Asian Philosophy*, 3 (1993): 75-87.

⁴² *svāmy-amātya-janapada-durga-kośa-daṇḍa-mitrāṇi prakṛtayah (Arthaśāstra 6.1.1)*. The king, the minister, the country, the fortified city, the treasury, the army and the ally are the constituent elements (*prakṛti*-s). *The Kauṭīliya Arthaśāstra*, ed. and trans. R.P. Kangle, 3 vols. (Bombay: University of Bombay, 1960-1965).

⁴³ *Manusmṛti 9.294* reads: *svāmy-amātyau puram rāṣṭram kośa-daṇḍau suhṛt tathā, sapta prakṛtayo hy etāḥ saptāṅgam rājam ucyate*. *Manusmṛti With the Sanskrit Commentary Manvartha-Muktāvalī of Kullūka Bhaṭṭa*, ed. J.L. Shastri (Delhi: Motilal Banarsidass, 1983), 395. Kane notes that the list is found also in *Viṣṇudharmasūtra 3.33*, *Matsyapurāṇa 225.11*, *Yajñavalkyasmṛti 1.353*, *Agnipurāṇa 233.12*. P.V. Kane, *History of Dharmaśāstra*, vol. 3, 17.

⁴⁴ *Janikartuḥ prakṛtiḥ*. The material cause (*prakṛti*) of the agent of the verb to be born (*vjan*) (is in the ablative case [*apādāna kāraka*]). *The Aṣṭādhyāyī of Pāṇini*, 1.4.30, p. 179, *tad-arthaṃ vikṛteḥ prakṛtau*. When the material cause (*prakṛti*) is serviceable for the modification (*vikṛti*), it is in the dative case. *Aṣṭādhyāyī*, 5.1.12, p. 854.

⁴⁵ *prakṛtiś ca pratijñādr̥ṣṭāntānuparodhāt*. (*Brahman* is) the material cause also, (because it is) not contradictory to the proposition and illustrations (cited in the texts). *Brahmasūtra 1.4.23. The Vedāntasūtras of Bādarāyaṇa*, Sanskrit and English, trans. Ś.C. Vasu (1912; repr., New York: AMS Press, 1974), 204. *bhūyastvād gandhavatvāc ca pṛthivī-gandha-jñāne prakṛtiḥ*. By reason of its predominance, and of possession of smell, earth is the material cause of the olfactory sense.

Vaiṣeṣikasūtra 8.2.5, trans. N.L. Sinha. *The Vaiṣeṣika Sūtras of Kaṇāda with the Commentary of Śaṅkara Miśra and Extracts from the Gloss of Jayanārāyaṇa. Together with Notes from the Commentary of the Chandrakānta and an Introduction by the Translator*, Sanskrit and English, trans. Nanlal Sinha (Allahabad: The Pāṇini Office, 1911; repr., New York: AMS Press, 1974), 285.

⁴⁶ *The Mahabharata of Krishna-Dwaipayana Vyasa* (Calcutta: Oriental Publishing Co., 1883-1896), vol. 9, 97.

⁴⁷ S.B. Dasgupta, *Obscure Religious Cults*, 332, writes: "It should be noted... that the word Prakṛti in classical Sanskrit literature as well as in the Purāṇic literature became frankly synonymous with the word Śakti or Ādi-devī, the primordial goddess." For an excellent study of the epithets of the goddess see Thomas B. Coburn, *Devī-Māhātmya: The Crystallization of the Goddess Tradition* (Delhi: Motilal Banarsidass, 1984).

⁴⁸ Coburn writes: "That the basic impulse behind the worship of the Goddess is of non-Aryan, non-Sanskritic, indigenous origin—is a matter on which the opinion of scholarship, both Indian and Western, is virtually unanimous." *Devī-Māhātmya: The Crystallization of the Goddess Tradition*, 7. The Sanskritization of the feminine divinities was accomplished to make the worship of the Goddess orthodox and the Sanskritic tradition popular. The technique used for this purpose was to use ancient Sanskrit terminology. The epithet *prakṛti* related the goddess to the Sāṃkhya speculations about matter. Coburn writes: "The primary means it [Devī-Māhātmya] has employed in this endeavour is, in fact, the use of ancient Sanskritic terminology to describe this "new" figure of the Goddess." *Ibid.*, 79-80.

⁴⁹ The *Devī-Mahātmya* was the first comprehensive account of the Goddess to appear in Sanskrit. *Ibid.*, 9. The date of this text is of course very uncertain and the text might not be as old as suggested. The probably oldest surviving manuscript of a Puranic text is from 810 C.E. This is a text containing part of the *Skanda Purāṇa* but, significantly, this text does not have much in common with the printed *Skanda Purāṇa*. See R. Adriaansen, H.T. Bakker and H. Isaacson, "Toward a Critical Edition of the *Skandapurāṇa*," *Indo-Iranian Journal* 37 (1994): 325-331. I thank Johannes Bronkhorst for connecting this to a criticism of the date of the *Devī-Māhātmya*.

⁵⁰ *Bṛhadāranyaka Upaniṣad* 1.3-1.4 says: "Verily, he had no delight. Therefore one alone has no delight. He desired a second. He was, indeed, as large as a woman and a man closely embraced. He caused that self to fall into two pieces. Therefrom arose a husband and a wife. ... He copulated with her. Therefrom human beings were produced. ... She became a cow. He became a bull. With her he did indeed copulate. Then cattle were born. She became a mare, he a stallion. She became a female ass, he became a male ass, with her he copulated, of a truth. Thence were born solid-hoofed animals. She became a she-goat, he a he-goat, she a ewe, he a ram. With her did he verily copulate. Therefrom were born goats and sheep. Thus, indeed, he created all, whatever pairs there are, even down to the ants." Robert Ernest

Hume, *The Thirteen Principal Upanishads*, 2nd ed. rev. (London: Oxford University Press, 1931), 81.

⁵¹ "In the beginning this world was just the Self (*Ātman*), one only: He wished: 'Would that I had a wife; then I would procreate'." Hume, *The Thirteen Principal Upanishads*, 85.

⁵² Hume, *The Thirteen Principal Upanishads*, 378.

⁵³ *The Liṅga Pūrāṇa*, trans. A Board of Scholars (Delhi: Motilal Banarsidass, 1973).

⁵⁴ S.B. Dasgupta, *Obscure Religious Cults*, xxxvi.

⁵⁵ *Ibid.*, 129-130.

⁵⁶ *Ibid.*, 132-134.

⁵⁷ *Ibid.*, 315.

⁵⁸ *jagat-prakṛti-bhāvo yaḥ sā śaktiḥ parikṛitā* (*Ahīrbudhnya Saṃhitā*, 2.57). That which is the material cause of the world, that is called *śakti*. *paramā prakṛtiś ca sā śaktir yā vyāpino viṣṇoḥ sā jagāt-prakṛtiḥ parā* (*Ahīrbudhnya Saṃhitā* 5.28). That supreme *prakṛti* is the power of the all-pervading Viṣṇu. She is the primordial source of the universe. (Trans. by H.N. Chakravarty provided by The Indira Gandhi National Centre for the Arts, Varanasi). *Ahīrbudhnya-Saṃhitā of the Pāñcarātrāgama*, ed. M.D. Ramanujacharya, 2nd ed. rev. by V. Krishnamacharya, 2 vols. (1916; repr., Madras: The Adyar Library and Research Centre, 1966), vol. 1, 19 and 44.

⁵⁹ *prakṛtis tvam ca sarvasya gunatraya-vibhāvinī* (*Devī-Māhātmya* 1.59). You are the material cause (*prakṛti*) of everything, manifesting the triad of constituents. V. Agrawala, *Devī-Māhātmyam: The Glorification of the Great Goddess* (Ramnagar: All-India Kashiraj Trust, 1963), 38.

⁶⁰ *mattaḥ prakṛiyate viśvaṃ prakṛtiḥ sāsmi kṛtitā* (*Lakṣmī Tantra* 4.51). The universe is produced from me (as a 'mode' of myself), hence I am called *prakṛti*. *Lakṣmī-Tantra: A Pāñcarātra Āgama*, ed. V. Krishnamacharya (Madras: The Adyar Library and Research Centre, 1959), 16. Trans. *Lakṣmī Tantra: A Pāñcarātra Text*, trans. and notes Sanjukta Gupta (Leiden: E.J. Brill, 1972), 24-25.

⁶¹ Raghunath Giri, "Śakti (the Power) in the Philosophy of the Purāṇas," *Purāṇa* 12, no. 2 (1970): 231-251.

⁶² *Ibid.*, 246.

⁶³ *Ibid.*, 246. As Giri correctly notes: "The terminology of the Purāṇa is not very rigid. Hence the words *Prakṛti*, *Māyā*, *Parā*, *Guṇavatī*, *Vikṛtivarjītā* (without evolutes), *Buddhiattva-jananī* (the mother of intellect), *Sakaleśvarī* (governess), *Ambikā* (mother of three Gods), and *Mūla Kāraṇa* (the primal cause) etc., are used to denote one or other of the Phases of Śakti without any hard and fast rule." *Ibid.*, 246-247.

⁶⁴ 6.42-44 says: "The elements classified according to their gross and subtle forms number ten; the senses also number ten when divided into their cognitive and conative groups. The inner senses are three in number. The realities propounded

by the Sāttvatas are: *prakṛti*, *prasūti* and *māyā*; then *sattva*, *rajas* and *tamas*; *kāla*, *niyati* (fate), *śakti*, *Puruṣa*, absolute space (*paramaṃ nabhaḥ*) and *Bhagavān* (God).” *Lakṣmī Tantra: A Pāñcarātra Text*, 38.

⁶⁵ *nija-śakti-vaibhava-bharād aṇḍa-catuṣṭayam idaṃ vibhāgena, śaktir māyā prakṛtiḥ pṛthvī ceti prabhāvitam prabhūṇā. Paramārthasāra* 4. This fourfold egg which is *śakti*, *māyā*, *prakṛti*, and earth was produced by Śiva separately from the fullness of the majesty of the innate power. *The Paramārtha-Sāra by Abhinava Gupta with the Commentary of Yogarāja* (Srinagar: The Research Department Jammu and Kashmir State, 1916), 9.

⁶⁶ *na vaiṣamyam anāpannam kāraṇam kāryasūtaye, guṇa-sāmyātmikā tena prakṛtiḥ kāraṇam bhavet, asmākam tu svatantrēśatatheccā-kṣobha-saṃgatam, avyaktam buddhitattvasya kāraṇam kṣobhitā guṇāḥ. (Tantrāloka*, 8.254-255 and 8.257-258). No cause without losing its balance is able to bring about its result. Therefore *prakṛti* with the characteristic of equivalence of *guṇa*-s should be the cause (of intellect). According to our system (Kashmir Śaivism) by the free will of the Lord *avyakta* [the unmanifest *prakṛti*] being agitated, the *guṇa*-s are agitated, and then they become the cause of the principle called *buddhi*. *The Tantrāloka of Abhinavagupta with Commentary by Rājānaka Jayaratha*, ed. Madhusudan Kaul Shastri, Kashmir Series of Texts and Studies (Allahabad, 1922), vol. 5, 174, 176. Translation by Chakravarty provided by The Indira Gandhi National Centre for the Arts, Varanasi.

⁶⁷ *namaḥ prakṛtyai bhadṛāyai niyatāḥ prañatāḥ sma tām (Devī-Māhātmya* 5.7). Hail to *prakṛti*, the auspicious! We who are restrained bow down to her. V. Agrawala, *Devī-Māhātmyam: The Glorification of the Great Goddess*, 76. Trans. Thomas B. Coburn, *Encountering the Goddess* (Albany: State University of New York Press, 1991), 53.

⁶⁸ The dates suggested by Brown, *The Triumph of the Goddess*, 225.

⁶⁹ *Brahmavaivarta Purāṇa*, ed. V.G. Apte (Poona: Ānandāśrama Sanskrit Series, 1935). Trans. R.N. Sen, *Sacred Books of the Hindus*, vol. 24, part 1 and 2 (Allahabad: The Pāṇini Office, 1920-22; reprint, New York: AMS Press, 1974), part 1, *Brahma and Prakṛti Khandas*, 83-89; *The Sri Mad Devi Bhagavatam*, 797-810.

⁷⁰ *Ibid.*, 86.

⁷¹ Thomas B. Coburn, *Devī-Māhātmya: The Crystallization of the Goddess Tradition*, Bharati, *Tantric Traditions*, 205; C. Mackenzie Brown, “The Theology of Rādhā in the Purāṇas,” in *The Divine Consort: Rādhā and the Goddesses of India*, ed. John Stratton Hawley and Donna Marie Wulff (Boston: Beacon Press, 1986), 65-66.

⁷² Brown, “The Theology of Rādhā in the Purāṇas,” 61.

⁷³ Brown, “The Theology of Rādhā in the Purāṇas,” 65-66.

⁷⁴ For a discussion of some other factors explaining this reversal see Bharati, *Tantric Traditions*, 199-227.

Review article

THE UBIQUITOUS 'DIVINE MAN'¹

JAAP-JAN FLINTERMAN

ERKKI KOSKENNIEMI, *Apollonios von Tyana in der neutestamentlichen Exegese. Forschungsbericht und Weiterführung der Diskussion. Wissenschaftliche Untersuchungen zum Neuen Testament. 2. Reihe 61.* J.C.B. Mohr (Paul Siebeck), Tübingen 1994. ISBN 3-16-145894-X

GRAHAM ANDERSON, *Sage, saint and sophist. Holy men and their associates in the early Roman Empire.* Routledge, London/New York 1994. ISBN 0-415-02372-6

Introduction

In a note to the second chapter of *Pagans and Christians*, Robin Lane Fox complained that 'the ubiquitous "divine man" ' was in need of 'much clearer definition'.² Although one can hardly escape the impression that the British scholar welcomed the opportunity to disregard a set of phenomena which did not fit into his picture of pagan religiosity of the early Imperial period, there can be no doubt that he put his finger on a sore spot. Despite decades of scholarly exertions, the θεῖος ἄνθρωπος remains an elusive and controversial figure. To a large extent, this is related to the role of the 'divine man' in the debate on the background to New Testament Christologies: the suggestion that pagan conceptions could have influenced earliest Christianity was—and still is—bound to spark off polemic. As Lane Fox's remark suggests, however, the usefulness of the concept in understanding *pagan* conceptions and realities has been exposed to criticism as well. Some of the problems involved were sketched by one of the leading proponents of its utilization in New Testament studies, Morton Smith, in an article published in 1971. In the first place, Smith pointed out that the evidence for the activities of 'divine men' is sparse—a situation that he explained by referring to 'the snobbishness of the literary tradition of antiquity'.³ Secondly, he drew attention to the fact that representatives of different social types 'claimed

or were credited with divinity',⁴ with the consequence that there was not a uniform conception of the divine man, but a constantly changing complex, encompassing many different patterns, only loosely held together by Hellenic anthropomorphism.⁵

The accuracy of this second observation was aptly illustrated by Hans Dieter Betz, in his *RAC*-article 'Gottmensch II (Griechisch-römische Antike u. Urchristentum)'.⁶ Betz marshalled representatives of a bewildering variety of social types who could each earn one of the epithets θεῖος, δαιμόνιος or θεσπέσιος, ranging from prophets and miracle-workers to royal favourites and mistresses. Readers inclined to think that there was no such thing as *the* divine man (or woman) were, however, sternly warned that this would be a 'Fehlschluß'.⁷ Nevertheless, scholarship on the θεῖος ἀνὴρ in the 1980s tended to stress the fluidity of the conception of the divine man in the Graeco-Roman world. An interesting specimen of this approach was the dissertation on Origen's *Contra Celsum* by Eugene V. Gallagher. Gallagher concluded that, while the search for a 'preexistent device or pattern' should be considered misguided, sources from the second to fourth centuries A.D. did show a considerable interest in evaluating claims to divine status, resulting in contrasting assessments of charismatic sages and miracle-workers as divine men on the one hand, magicians or wizards on the other. The criteria used in such evaluations, however, depended on the beholders' views on society, human activity and the nature of divinity and were, therefore, flexible and subject to constant change. According to Gallagher, the only permanent demand that candidates for divine status had to meet was that their activities were for the good of mankind, and even this criterion was, understandably, open to diverging interpretations.⁸

Although Gallagher stressed the diversity of criteria used in evaluating claims to divinity, he concentrated his analysis on the assessments of persons with a reputation for miracle-working and/or prophetic gifts, viz. Jesus of Nazareth, Apollonius of Tyana and Alexander of Abonouteichos. He hereby implicitly admitted the centrality of alleged achievements in these fields to ancient debates on claims to a superhuman status and to modern scholarship on this phenomenon. At the same time, by selecting texts from the second to fourth centuries A.D. as his main evidence, he avoided the first problem pointed out by Morton Smith, viz. the scarcity of sources from the period before the Antonine age on *pagan* miracle-workers. Even a superficial acquaintance with scholarly work on 'divine men' suffices to indicate the frequent recurrence of a few figures, in particular Apollonius

of Tyana, who lived in the first century A.D., but who owes his fame in the first place to a heavily fictionalized biography by the Severan author Philostratus. As the reliability of Philostratus' picture of the Tyanean sage is questionable, to say the least, the importance of his *Life of Apollonius* to the modern image of pagan charismatic sages and miracle-workers from the beginning of the Christian era cannot fail to disturb scholars interested in first-century facts as opposed to third-century fictions. It is at this point that the Finnish theologian Erkki Koskenniemi (K.) mounts a frontal attack on the 'θεῖος ἀνὴρ hypothesis', culminating in an attempt to eliminate pagan miracle-workers from the environment in which Christianity originated by relegating them to the period from the later second century A.D. onwards. Almost simultaneously, the British classicist Graham Anderson (A.) has published a monograph on early Imperial 'holy men' from different religious backgrounds, defining the object of his study as 'virtuoso religious activists' and stressing the continuity of their activities in the first three centuries A.D. Both books illustrate the topicality of the problems indicated by Morton Smith in 1971. While the scarcity of evidence brings K. to the conclusion that the phenomenon was non-existent, A. tries to avoid the conceptual problems surrounding the 'divine man' by employing a very loose definition of the figures under discussion. Both books deserve a critical assessment of their respective merits and shortcomings.

Driving out the Divine Man

The main drift of K.'s argument can be summarized in five points.

A. The case for the existence of a Graeco-Roman conception of the θεῖος ἀνὴρ, whose divinity is manifested in supernatural feats, is to a large extent built upon Philostratus' portrait of Apollonius of Tyana.

B. The proponents of the existence of such a conception and its influence on New Testament Christologies and miracle stories have insufficiently digested the results of philological studies of Philostratus' *Life of Apollonius*. These studies have cast severe doubts on the reliability of Philostratus' portrait of Apollonius, which belongs to the third century and *not* to the first century A.D.

C. While Jewish miracle-workers from the time of Jesus are abundantly attested, pagan miracle-workers mentioned in ancient sources are mainly a phenomenon of the later second and third centuries A.D.

D. The growth in numbers of pagan miracle-workers from the second half of the second century onwards reflects a change in the religious climate. This change can be characterised as an intensification of the belief in the miraculous, a development which is also manifested in the growth of magical practices.

E. These findings put an end once and for all to the hypothesis that a pagan conception of the miracle-working θεῖος ἀνὴρ lurks behind New Testament Christologies and miracle stories.

K.'s study has noticeable merits. In the first place, though dealing with a complex set of problems, the clarity of method and presentation is remarkable. Moreover, by bringing together the results of philological research, studies on the history of religions and theological scholarship, K. has done an immense service to students from these disciplines, who too often experience difficulties in keeping up with publications of their colleagues, watching with a combination of horror and despair the growing pile of studies relevant to their field by specialists in other disciplines. In this respect, the first part of K.'s book (pp. 18-168)—a *Forschungsbericht* dealing with *formgeschichtliche* studies of the Gospels and Philostratus' *Life of Apollonius*, discussions of the 'divine man', and the role of the concept in New Testament exegesis—fills an obvious need. Last but not least, K. successfully demonstrates several defects in studies by advocates of the θεῖος ἀνὴρ hypothesis. Given the importance of Philostratus' *Life of Apollonius* for the reconstruction of the hypothetical Graeco-Roman conception of the miracle-working 'divine man', the neglect or inadequate treatment of the question of to what extent this third-century text reflects first-century conceptions and views is a serious flaw.⁹ The utilization of Bieler's *Gesamttypus* of the θεῖος ἀνὴρ, to a considerable extent compiled from the *Life of Apollonius* and the Gospels,¹⁰ to clarify the evangelists' portrait of Jesus *does* amount to circular reasoning.¹¹ The question of the frequency of the phenomenon of the pagan miracle-worker in the Hellenistic period and the early Empire is a perfectly legitimate one,¹² too often answered with unsubstantiated assertions or references to the familiar figures of Apollonius of Tyana and Alexander of Abonouteichos, 'to mention only two.'¹³ To sum up, K.'s criticism of a large part of the scholarship on the θεῖος ἀνὴρ is a welcome antidote to a marked tendency to substitute contentions for a careful consideration of the evidence. None the less, I think that he grossly overstates his case, and this review must be mainly one of dissent. Leaving the question of to what extent New Testament Christologies and miracle stories have been influenced

by pagan conceptions to scholars competent in the field of New Testament studies, I shall concentrate on K.'s handling of the pagan evidence, dealing in succession with the points B, C and D mentioned above, which are central to his argument.

(B) The second part of K.'s book begins with a discussion of the value of Philostratus' *Life of Apollonius* as evidence for the activities and opinions of the first-century sage from Tyana (pp. 169-189). This discussion draws on a previous publication by K.¹⁴ and leads to the conclusion "daß das Apolloniosbild des Philostratos im wesentlichen dem 3. Jahrhundert zuzuweisen ist."¹⁵ In his scepticism regarding the historical reliability of Philostratus' fictionalized biography, K. follows in the footsteps of Eduard Meyer and Ewen L. Bowie.¹⁶ Like these scholars, he adheres to the view that Philostratus' claim that he had access to the memoirs of one of Apollonius' pupils, the Syrian Damis, is a literary fiction.¹⁷ As far as the other sources on Apollonius referred to by Philostratus are concerned, K. tries to demonstrate that even if the author of the *Life of Apollonius* wanted to write a historically reliable biography, such an intention would have been frustrated by the state of the evidence on the Tyanean sage in the early third century.¹⁸ Combined with the doubts surrounding Philostratus' intentions in writing the *Life of Apollonius*, this would be enough to disqualify his work as a dependable source of information on the historical Apollonius.

Although on this last point I find myself largely in agreement with K., I consider his treatment of pre-Philostatean traditions on Apollonius unsatisfactory. He admits (pp. 187f.) that Philostratus did use existing traditions about Apollonius and even goes so far as to concede (p. 211) that the Tyanean sage had a reputation as a miracle-worker in the second century. In developing his argument, however, he seems to underestimate the possibilities of a tentative reconstruction of the views contained in, e.g., letters ascribed to Apollonius, the lost works of Moeragenes and Maximus of Aegae, and local traditions. If one looks for an element common to all these traditions, it can be found precisely in the alleged supernatural powers of Apollonius. In letters ascribed to Apollonius, the epistolographer defends himself against the accusation that he is a Pythagorean and thus a magician (*Epp. Apoll.* 16 and 17). According to Origen (*Cels.* 6.41), the title of Moeragenes' work was *Memorabilia of Apollonius of Tyana, magician and philosopher*, and it attributed magical powers to the protagonist.¹⁹ Maximus of Aegae stressed the visionary faculties displayed by Apollonius in the sanctuary of Asclepius in Aegae (VA 1.10 and 12).²⁰ Local tradition in

Ephesus and several other cities around the Eastern Mediterranean knew him as a miracle-worker.²¹ Now there must be a point where one should confront the question of whether this recurring feature of the pre-Philostratean Apollonius is nothing more than a posthumous accretion. K. evades this question (p. 188), and this also affects his handling of modern scholarship. He borrows arguments from Bowie to discredit Philostratus, but he does not refer to the view of the British scholar that local traditions portraying Apollonius as a prophet and miracle-worker may very well be authentic.²² While he approves (pp. 188f.) of the method followed by the Polish scholar Maria Dzielska, who tried to provide a picture of the historical Apollonius primarily based on traditions relating to the Tyanean which are either older than Philostratus' work or give no indication of having been influenced by it, he suppresses her conclusion that Apollonius *was* a magician.²³ One cannot help but feel that, as his argument requires the removal of a first-century miracle-worker from history, he does not ask questions which might elicit answers detrimental to his case.

(C) In the second chapter of the second part of his book (pp. 206-229), K. sets out to demonstrate "daß die heidnischen Wundertäter, wie wir sie in den antiken Quellen finden, vor allem Teil des ausgehenden zweiten Jahrhunderts sind." Their activities reflect, according to K., 'eine allgemeine Intensivierung des Wunderglaubens' in the second century A.D. (p. 218). To support this claim, K. offers a survey of pagan miracle-workers from the Hellenistic period and the early Empire, showing that to make a reasonable case for the presence of such figures before the second century is a difficult job indeed. Again, however, several objections to K.'s argumentation should be mentioned.

In the first place, K.'s list excludes persons practising magical rites whose names have not been preserved (p. 207). This is a dubious procedure: when the existence of a miracle-worker is attested, our familiarity with his name is hardly relevant. Perhaps K.'s exclusion of anonymous magicians is motivated by his apparent conviction (p. 83 n. 313) that "Wundertäter (...) etwas anderes [sind] als die Kenner der magischen Riten, die als Verbrecher galten"—a curious notion, as people practising magic obviously were credited with the capacity to work miracles. One example may suffice to demonstrate why the omission of anonymous magicians detracts from the value of K.'s list. In the year 16 A.D., a Roman senator by the name of Libo Drusus was accused of subversive deeds. According to Tacitus (*Ann.* 2.27-32), he had consulted astrologers, magicians—one of them a necromancer—and

dream interpreters. Libo's posthumous conviction was followed by an expulsion of astrologers and magicians from Italy—neither the first nor the last measure of this kind.²⁴ K.'s exclusion of Jewish miracle-workers, on the other hand, is acceptable, because it is the alleged influence of the presence of *pagan* miracle-workers on earliest Christianity that he brings under discussion (see p. 207 n. 155). Nevertheless, it tends to obscure the fact that pagans were well represented among the clients of Jewish miracle-workers, Sergius Paulus being a case in point (*Acta Ap.* 13.6-12). At the very least, this indicates a pagan interest in the services of miracle-workers. Ultimately, our knowledge of the names of a number of first-century Jewish miracle-workers, as opposed to those of their pagan colleagues, may be largely due to the fact that the author of *Acts* and Flavius Josephus had a greater interest in such figures than Tacitus did. I venture the guess that if Sergius Paulus had been called to answer for his suspect contacts with a Jewish magician and a Christian missionary, we would not have learned the names of Elymas and Paul from Tacitus.

This brings us to a second objection to K.'s line of reasoning: it amounts to an *argumentum e silentio*.²⁵ According to K., the proliferation of the evidence for pagan miracle-workers in the second century A.D. reflects an increase in numbers. Again, this is a dubious argument. The most important second-century sources on pagan miracle-workers are written in Greek, and their protagonists come from the eastern provinces of the Roman Empire. In order for us to get acquainted with miracle-workers, narrative texts are needed. For such texts to be written, intellectuals interested in miracle-workers are required. For such texts to be handed down, they must be appreciated by posterity for literary merit or intrinsic interest. The expansion of our evidence may thus very well be the outcome of a combination of two other developments, viz. an increase in the social and intellectual respectability of miracle-workers, and an amelioration of the state of preservation of pagan Greek prose literature from the later first century A.D. onwards.²⁶

A third objection to K.'s treatment of pagan miracle-workers concerns his handling (p. 208) of an important pagan miracle-worker from the second century B.C.: the Syrian Eunus, leader of the first Sicilian slave revolt, portrayed by Diodorus/Posidonius. Eunus is a fine specimen of the species: he predicts the future, he performs—or fakes—miracles, and he claims a special relationship with divinity, i.e., the Syrian Goddess.²⁷ K. admits that Eunus was a miracle-worker, but he states that his activities were determined by an oriental cult and not by traditional Graeco-Roman religion, adding that

the character of the Syrian Goddess is untraceable. To start with this last point, there can be no doubt that the goddess inspiring Eunus was Atargatis, whose cult was, in the Hellenistic period, patronized by the Seleucid kings and spread from Syrian Hierapolis throughout the Greek world: before the end of the second century B.C. it is attested in Aetolian Phistyon, Beroia in Macedonia, in Messenia, and on the islands of Astypalaia and Delos.²⁸ Given the rapid spread of the goddess' cult, I question the value of characterizing it in terms of a strict Oriental/Graeco-Roman dichotomy. Interestingly, the link between the cult of Atargatis and manumission, attested for Phistyon, Beroia and Delos, cannot be traced back to Hierapolis.²⁹ Outside Syria, Atargatis collected new names (e.g., Ἀγνή Ἀφροδίτη) and functions, and it is tempting to label her cult 'Hellenistic'. Anyway, K.'s observation (pp. 218f.) that, in comparison with Greeks and Romans, orientals are overrepresented among pagan miracle-workers, amounts to neglect of the effects of an agelong process of cultural interaction—without altering the fact that these miracle-workers were pagans.³⁰ In fact, by stressing the oriental origins of a number of pagan miracle-workers, his argument tends to reduce rather than to augment the distance between these figures and the cradle of Christianity. Returning to Eunus, we should not overlook the fact that our acquaintance with this figure is extremely fortuitous. If he had not become the leader of a slave revolt, itself the result of a series of coincidences, we would never have heard of him. This confirms the inappropriateness of the utilization of arguments from silence on the issue under discussion.

In conclusion, I think we must consider K.'s attempt to eliminate pagan miracle-workers from the environment in which Christianity originated a failure. However, this conclusion still leaves another question unanswered: were these miracle-workers in some way regarded as divine beings?³¹ A link between miracle-working and human divinity certainly was part of the realm of thought of the Greek world in the Hellenistic period. Especially relevant in this context are the traditions on Pythagoras' divinity, handed down to the Hellenistic and early Imperial periods by Aristotle, among others, and attested from the second century B.C. onwards.³² A *conception* of the miracle-working divine man was, therefore, available in the Hellenistic period and the first century A.D. But what about *actual human beings* who enjoyed a reputation for miracle-working and, on this basis, claimed or were credited with divinity? Admittedly, our evidence for the first centuries B.C. and A.D. is scarce.³³ Again, however, the behaviour of pagans in

Acts is suggestive of a pattern. It seems far-fetched to suppose that only Christian missionaries were acclaimed as gods in human shape, when they were believed to have miraculously healed a cripple or survived a viper's bite.³⁴

(D) The increase of our evidence from the second century A.D. onwards can, as I suggested above, at least partly be explained by an increase in the social and intellectual respectability of miracle-workers rather than by an increase in numbers. The revival of Pythagoreanism from the first century B.C. probably played a significant role in this upward mobility. The Pythagorean tenet of a third ontological category of intermediate beings 'like Pythagoras' between gods and humans³⁵ provided a perfect philosophical legitimization for the activities of miracle-workers. To a considerable extent, the proliferation of sources on miracle-workers in the second century A.D. may reflect the success of this legitimization in philosophical terms, as part of a transformation of intellectual ideals and models, rather than 'eine allgemeine Intensivierung des Wunderglaubens'.³⁶

The evidence does not allow us to determine with certainty at which point in the Hellenistic period or early Empire miracle-workers started to legitimate their claims by referring to the Pythagorean tradition. However, if Bowie is right in arguing in favour of 'provisional acceptance' of Apollonius' Pythagoreanism,³⁷ the Tyanean sage would be the first for whom such a link is attested—which is not tantamount to the assumption that he was the first Pythagorean miracle-worker. *Pace* K., the ubiquity of miracle-working 'divine men', whether Pythagoreans or not, remains a probability to be reckoned with by students of the pagan environment of earliest Christianity.

*A 'Latter-day Celsus' on Early Imperial Holy Men*³⁸

Weary of the proliferation of studies on ancient *conceptions* of the divine man, A. has made an attempt to get a grip on ancient *realities*. Acknowledging his indebtedness to the approach adopted by Peter Brown in his article on holy men in late Antiquity (p. 31),³⁹ but critical of Brown's distinction between early Byzantine saints and the charismatic sages of an earlier period (p. 205), he sets out to map the activities of early Imperial holy men, their relations with pupils, clients, patrons and other associates, and the human needs met by their accomplishments. A.'s intention to cast his net widely is evident in his definition of the object of his investigations as 'anyone who can reasonably be called a "virtuoso religious activist" ' (p. 3), a label

covering such diverging characters as the uncouth John the Baptist and the sophisticated Dio Chrysostom. Characteristic features of A.'s approach include the strong relativization of the importance of the holy men's religious loyalties (e.g., p. 9, 32 and 220) and an equally strong emphasis on the continuity of their activities throughout the early Imperial period (p. 33).⁴⁰

In the preface (p. x), the reader is warned to expect neither an exhaustive treatment of the phenomenon nor a detailed discussion of all relevant episodes from the evidence. Accordingly, liveliness is a more conspicuous virtue of this book than depth: the reader is taken by the hand, shown a great number of colourful tableaux, and offered comments of varying quality by his guide. A.'s remarks about the function of holy men as 'religious middlemen' (pp. 10f.), for example, are instructive, as is the parallel that he draws between the spiritual and the material world in this respect. More specifically, A. could have referred to the phenomenon labelled 'brokerage in the distribution of *beneficia*' by Richard P. Saller.⁴¹ Apollonius' activities in the sanctuary of Asclepius at Aegae (VA 1.8-12) can very well be described in similar terms. There is a good observation (p. 131) on the problems of holy men with religious establishments, implicitly refuting Lane Fox's denial of the existence of any tension between institutionalised religion and figures such as Apollonius.⁴² The case for taking the documentary value of incidents depicted in fictional literature seriously (p. 178) is well argued. Of course, warnings against the utilization of arguments from silence in discussing holy men (e.g., p. 197) are very much to the point. I experienced more difficulties trying to follow A. in what he calls (p. 112) 'respectable guesswork' on the actual proceedings behind alleged miracles (see, e.g., pp. 20-22). When asked to understand the blinding of Elymas by Paul (*Acta Ap.* 13.6-12) as the result of an apostolic punch (p. 145f.), I find the designation of this interpretation as 'guesswork' more appropriate than the addition of the epithet 'respectable'. Interpretations such as these become even more questionable when they are combined with inaccurate paraphrases of the evidence. A.'s reproduction of Philostratus' story of an exorcism by Apollonius in Athens (VA 4.20) amounts to misrepresentation (p. 92). While Philostratus tells that the *demon*, as he left his victim, threw down a statue, A. attributes this act of iconoclasm to the patient: "As he is exorcised he throws down a statue." Obviously, the tumbling down of the statue is meant to demonstrate the demon's reality and the effectiveness of the exorcism: Philostratus uses the significant word *τεκμήριον*, 'visible sign', 'proof'. This point is apparently lost on A., who in his Celsus-like preoccupation with actual proceedings

tends to overlook the reason why attempts to reconstruct the events behind miracle stories are in many cases doomed to failure; too often the stories anticipate such attempts.

Although A.'s choice of a 'flexible label' in defining the object of his investigations is understandable given the exploratory nature of his study, he sometimes casts his net too widely. Of course, he is perfectly right in pointing out 'an often quite substantial area of overlap' of the fields worked by holy men and philosophers (p. 5). I could not help being surprised, however, by the inclusion of Euphrates of Tyrus (p. 46 with 238 n. 99; 134f.) and Dio of Prusa (p. 43) in the category of holy men. Dio's credentials in this respect boil down to the 'Zoroastrian myth' purportedly told to the Olbians (p. 177; *or.* 36.39-61); Euphrates' claim to holiness seems to rest on his quarrel with Apollonius—a flimsy basis for such a claim indeed. In addition to recording the overlap between the activities of philosophers and holy men, A. might have brought out more clearly what was *typical* of their respective roles.⁴³ Now part of his illustrations of holy men's activities falls under the suspicion of being atypical, especially as far as their appearances as *magistri artis vitae* and 'civic consultants' are concerned. Some conceptual clarity might have wrought miracles.

An interesting aspect of A.'s approach is his willingness to use material on holy men from other periods and civilizations—the Muslim Near East, Elizabethan England, and modern Africa—to corroborate or complement his findings on the operations of holy men in the Mediterranean world of the early Imperial period and their social context (pp. 206-217). A more systematic exploration of comparative material in order to put new questions to the ancient evidence might have repaid the effort. A promising field of comparative research was suggested eight years ago by Charles Robert Phillips: 'the swarm of claimants to the status of holy men in contemporary India'.⁴⁴ To the best of my knowledge, this suggestion has not yet been followed up.

A.'s primary concern is with synchronic analysis of the activities of holy men in the first three centuries of the Christian era, and he only touches upon the question of what period should be assigned to the rise of the miracle-working 'divine man' whom we meet in the early Empire (pp. 11f.). This problem holds an enduring fascination, and further discussion of it could deepen understanding of the 'divine man's' importance in the early Empire. The view that it was the Hellenistic period which witnessed the emergence of the miracle-working 'divine man' reaches back to Richard Reitzenstein.

He explained the rise of the phenomenon primarily as a corollary to the missionary propaganda for oriental cults.⁴⁵ Morton Smith, on the other hand, listed several representatives of the 'spiritual underworld of antiquity' from the Classical period.⁴⁶ Besides, as the legends surrounding Pythagoras are 'the oldest available layer of the tradition' on the Crotonian sage,⁴⁷ the emergence of the miracle-working 'divine man' in the Hellenistic period should be considered a reemergence rather than the appearance of a totally new phenomenon. Of course, the assumption of a certain continuity in the activities of religious charismatics and miracle-workers is not incompatible with the hypothesis that there was a significant increase in their importance during the Hellenistic period. Attempts to explain such an increase might profit from taking into account the characterization of religious change in the Graeco-Roman world during the period under discussion by John North as 'the development of religious pluralism': the rise of a "new religious situation, in which the individual had to make his or her own choices and in which, as a result, the location of religious power became far more contentious."⁴⁸ It seems a reasonable assumption that the development envisaged by North opened unprecedented opportunities to figures who operated more or less independently of the established cults, and who claimed a special relationship with the divine which was manifested in their alleged supernatural powers.⁴⁹ The studies discussed in this contribution demonstrate that such figures remain a bone of contention to modern scholarship just as they were to contemporaries.⁵⁰

Gibraltarstraat 6^{II}
NL-1055 NN Amsterdam

JAAP-JAN FLINTERMAN

¹ In addition to the studies by Koskenniemi and Anderson reviewed in this article, the following publications are referred to by author's name only: H.D. Betz, 'Gottmensch II (Griechisch-römische Antike u. Urchristentum)', in: *RAC* 12 (1983), 234-312; L. Bieler, *ΘΕΙΟΣ ΑΝΗΡ. Das Bild des 'göttlichen Menschen' in Spätantike und Frühchristentum*. Erster Band. Wien 1935; B. Blackburn, *Theios anēr and the Markan miracle traditions. A critique of the theios anēr concept as an interpretative background of the miracle traditions used by Mark*. Wissenschaftliche Untersuchungen zum Neuen Testament. 2. Reihe 40. Tübingen 1991; E.L. Bowie, 'Apollonius of Tyana: tradition and reality', in: *ANRW* 2.16.2 (1978), 1652-1699; K.R. Bradley, *Slavery and rebellion in the Roman world*. Bloomington/London 1989; W. Burkert, *Lore and science in ancient Pythagoreanism*. Cambridge, Massachusetts 1972; G.P. Corrington, *The 'divine man'. His origin and function in Hellenistic popular*

religion. American University Studies. Series VII, Theology and religion 17. New York/Bern/Frankfurt am Main 1986; M. Dzielska, *Apollonius of Tyana in legend and history*. Roma 1986; R. Goulet, 'Les vies de philosophes dans l'antiquité tardive et leur portée mystérique', in: *Les actes apocryphes des apôtres. Christianisme et monde païen*. Publications de la Faculté de Théologie de l'Université de Genève 4. Genève 1981, 161-208; J. Hahn, *Der Philosoph und die Gesellschaft. Selbstverständnis, öffentliches Auftreten und populäre Erwartungen in der hohen Kaiserzeit*. Heidelberger althistorische Beiträge und epigraphische Studien 7. Stuttgart 1989; M. Hönig, 'Dea Syria—Atargatis', in: *ANRW* 2.17.2 (1984), 1536-1581; R. Lane Fox, *Pagans and Christians in the Mediterranean world from the second century A.D. to the conversion of Constantine*. Harmondsworth 1986; R. Reitzenstein, *Hellenistische Mysterienreligionen nach ihren Grundgedanken und Wirkungen*. Leipzig 1927³; M. Smith, 'Prolegomena to a discussion of aretologies, divine men, the Gospels and Jesus', *JBL* 90 (1971), 174-199; J. Vogt, *Ancient slavery and the ideal of man*. Cambridge, Massachusetts 1975. A previous publication on Philostratus' *Life of Apollonius* by E. Koskenniemi (*Der philostrateische Apollonios*. Societas Scientiarum Fennica, Commentationes Humanarum Litterarum 94. Helsinki 1991) is referred to as: Koskenniemi, *Der philostrateische Apollonios*.

² Lane Fox, 686 n. 34.

³ Smith, 179-181; the quotation is from p. 179.

⁴ Smith, 187.

⁵ Smith, 181-188; cf. W. Speyer, 'Der numinose Mensch als Wundertäter', *Kairos* NF 26 (1984), 129-153, at 143: "Bei kaum einem anderen Menschentypus dürfte es eine so breit gefächerte Skala qualitativer Unterschiede geben wie bei diesem [i.e., bei dem numinosen Menschen]."

⁶ Betz, 234-288 deals with divine men from the Graeco-Roman world.

⁷ Betz, 235. In fact, the result produced by Betz's approach is very close to Bieler's 'Gesamttypus (...) des antiken Gottmenschen', on which see Bieler, 4; cf. Koskenniemi, 73. In view of the conceptual vagueness of Bieler's *Gesamttypus*, I feel that a definition that could be of use in historical discourse, should concentrate on persons with a reputation for miracle-working and/or prophetic gifts. For an attempt in this direction see below, at n. 49.

⁸ E.V. Gallagher, *Divine man or magician? Celsus and Origen on Jesus*. Society of biblical literature dissertation series 64. Chico 1982, 174-178.

⁹ For examples see Koskenniemi, 78-80 (D. Georgi), 82-84 and 147-150 (M. Smith), 86-88 (G. Theißen), 95-98 (G.P. Corrington).

¹⁰ Bieler, 7-9 ('Die Quellen').

¹¹ See Koskenniemi, 76, 78 and 160 for examples. Obviously, the same is true of attempts to present Philostratus' Apollonius as a typical specimen of Bieler's 'divine man', see, e.g., D. Esser, *Formgeschichtliche Studien zur hellenistischen und zur*

frühchristlichen Literatur unter besonderer Berücksichtigung der vita Apollonii des Philostrat und der Evangelien. Bonn 1969, 91-98; Goulet, 178f.

¹² Koskenniemi, 207 defines the persons to be looked for as 'menschliche heidnische Wundertäter, d.h. Menschen, denen in der Antike nicht rational erklärbare, übermenschliche Fähigkeiten zugeschrieben wurden'.

¹³ Koskenniemi, 84 rightly criticized the covering-up of the problem by phrases such as this one, used by Smith, 186.

¹⁴ E. Koskenniemi, *Der philostratische Apollonios*.

¹⁵ Koskenniemi, 189 (correcting an obvious printer's error); cf. 206: "Aus dem, was im Abschnitt 3.1. dargelegt worden ist, muß jedoch der Schluß gezogen werden, daß der philostratische Apollonios nicht dem ersten, sondern dem 3. Jahrhundert angehört."

¹⁶ E. Meyer, 'Apollonios von Tyana und die Biographie des Philostratos', *Hermes* 52 (1917), 371-424; Bowie, 1653-1671.

¹⁷ Koskenniemi, 173f.; cf. Koskenniemi, *Der philostratische Apollonios*, 9-15. The 'Damis' issue remains controversial. For other opinions than Meyer's and Bowie's, see J. Mesk, 'Die Damisque des Philostratos in der Biographie des Apollonios', *WS* 41 (1919), 121-138; W. Speyer, 'Zum Bild des Apollonios von Tyana bei Heiden und Christen', *JbAC* 17 (1974), 47-63, esp. 48-53; G. Anderson, *Philostratus. Biography and belles lettres in the third century A.D.* London/New York/Sydney 1986, 155-173; and my *Politiek, paideia & pythagorisme. Griekse identiteit, voorstellingen rond de verhouding tussen filosofen en alleenheersers en politieke ideeën in de Vita Apollonii van Philostratus*. Groningen 1993, 87-97 (an English translation of this study will be published in 1995 by J.C. Gieben, Amsterdam).

¹⁸ Koskenniemi, 178; cf. Koskenniemi, *Der philostratische Apollonios*, 18.

¹⁹ On Moeragenes see Bowie, 1673f.; D.H. Raynor, 'Moeragenes and Philostratus two views of Apollonius of Tyana', *CQ* 34 (1984), 222-226, also dealing with *Epp. Apoll.* 16 and 17.

²⁰ On Maximus of Aegae see F. Graf, 'Maximos von Aigai. Beitrag zur Überlieferung von Apollonios von Tyana', *JbAC* 27/8 (1984/5), 65-73.

²¹ For local traditions see Bowie, 1686-1688; Dzielska, 51-84. Local tradition in Ephesus: VA 4.3, 4.10 and 8.26; Porph., *Abst.* 3.3.6; Lact., *Inst.* 5.3, and D.C. 67.18.1f., with Bowie, 1687.

²² Bowie, 1686f.

²³ Dzielska, 15f., 29f., 96 and 185 (method); 83 (magician).

²⁴ For a list see F.H. Cramer, *Astrology in Roman law and politics*. Philadelphia 1954, 234.

²⁵ Curiously, K. (p. 83) calls the explanation of the scarcity of our evidence on 'divine men' before the Antonine period from 'the snobbishness of the literary

tradition of antiquity' by Smith, 179 an *argumentum e silentio*. Obviously, Smith's argument is exactly the opposite.

²⁶ On the growth of 'superstition' in the period from the second to the fourth century A.D., to be conceived as a blurring of the contrast between elite and masses rather than as the rise of a new phenomenon, see R. MacMullen, *Paganism in the Roman Empire*. New Haven/London 1982², 70-73. On the rather depressing state of preservation of pagan (as opposed to Jewish) prose literature from the Hellenistic and Julio-Claudian periods see A. Dihle, *Die griechische und lateinische Literatur der Kaiserzeit*. München 1989, 70 and 153.

²⁷ For Eunus as a miracle-worker, see esp. D.S. 34/5.2.5-9, with Vogt, 65f. and Bradley, 55-57. On Posidonius as Diodorus' source for the Sicilian slave wars see Bradley, 133-136.

²⁸ See F.R. Walton, 'Atargatis', in: *RAC* I (1950), 854-860; M. Hönl, 1565-1571 ('Griechische Welt'). On the 'naturalization of alien cults in Greek cities' cf. A.D. Nock, *Conversion. The old and the new is religion from Alexander to Augustine of Hippo*. Oxford 1933, 54-61, especially referring to the cult of Atargatis at 59f.

²⁹ See Vogt, 65; cf. Hönl, 1565f.

³⁰ I doubt if, in the case of (the father of) the theurgist Julian, the epithet 'Chaldaean' has an ethnic meaning, as K. (p. 218) thinks, cf. *LSJ* s.v. Χαλδαῖος II. Julian's writings are not 'restlos verloren gegangen' (p. 215), see E.R. Dodds, *The Greeks and the irrational*. Sather classical lectures 25. Berkeley/Los Angeles/London 1951, 284f.

³¹ It is the merit of Blackburn, 13-96, esp. 13f. with n. 6 to have focussed on 'divine men (...) to whom miracles were ascribed' (my italics) rather than on miracle-workers 'for whom (...) express attributions of divinity do not exist'. Blackburn's chapter on miracle-working 'divine men' far outranks K.'s treatment, and in what follows I am heavily indebted to his excellent discussion.

³² See Burkert, 136-147, esp. 141-144; cf. Blackburn, 37-51, esp. 38-40. K.'s discussion (pp. 226-228) of related problems is particularly inadequate; see, e.g., the dating of the paradoxographer Apollonius in the second century A.D. (p. 227).

³³ Note that at the dawn of the Hellenistic era a person claiming divinity on the basis of his healing powers is attested: the Syracusan physician Menecrates, see O. Weinreich, *Menekrates, Zeus und Salmoneus. Religionsgeschichtliche Studien zur Psychopathologie des Gottmenschentums in Antike und Neuzeit*. Tübinger Beiträge zur Altertumswissenschaft 18. Stuttgart 1933, esp. 1-27 and 91-102.

³⁴ *Acta Ap.* 14.8-18 and 28.3-6, with Lane Fox, 99f.; cf. Corrington, 201f. Admittedly, the citizens of Lystra and the inhabitants of Malta think that they witness divine epiphanies rather than the appearance of θεοὶ ἄνδρες; cf. H.S. Versnel, 'What did ancient man see when he saw a god? Some reflections on Greco-Roman epiphany', in: D. van der Plas (ed.), *Effigies Dei. Essays on the history of religions*. Studies in the history of religions (Supplements to *Numen*) 51. Leiden etc. 1987, 42-55,

referring to *Acta Ap.* 14.8-18 at 46. Nevertheless, these passages *are* relevant to the issue under discussion in that they reveal the reaction of pagan audiences to miracles worked by persons unknown to them. It seems a reasonable hypothesis that, if confronted with miraculous feats performed by persons with whom they were acquainted or whose origins were known to them, such audiences would have classified the miracle-workers as human beings whose miraculous powers showed them to be in possession of a special, personal relationship with divinity, *i.e.*, as 'divine men'.

³⁵ See Arist., fr. 192 Rose (= Iamb., *VP* 31): τοῦ λογικοῦ ζώου τὸ μὲν ἐστὶ θεός, τὸ δὲ ἄνθρωπος, τὸ δὲ οἶον Πυθαγόρας. Cf. Burkert, 144.

³⁶ On these developments see Goulet, 167-176; Hahn, 192-201.

³⁷ Bowie, 1692, concluding a characteristically rigorous assessment of the evidence.

³⁸ For A.'s characterization of his own attitude by comparison with Lucian's friend, the author of an *Against magicians* (κατὰ μάγων), see pp. x and 220; cf. Lucian, *Alex.* 21.

³⁹ P. Brown, 'The rise and function of holy men in late Antiquity', *JRS* 61 (1971), 80-101.

⁴⁰ Cf. p. 247 n. 31, where A. criticizes H.C. Kee (*Medicine, miracle and magic in New Testament times*. Society for New Testament studies, monograph series 55. Cambridge 1986, 78) for postulating 'basic shifts in the worldviews prevalent from the first part of the first century A.D. down into the second and third centuries', and brands Kee's use of Philostratus as 'particularly questionable'. Note the strong affinity of K.'s criticism of the 'θεῖος ἀνὴρ hypothesis' to that of Kee.

⁴¹ R.P. Saller, *Personal patronage under the early Empire*. Cambridge 1982, 74-78.

⁴² See Lane Fox, 253.

⁴³ On the role of philosophers in early Imperial society see Hahn, *passim*.

⁴⁴ C.R. Phillips, 'The sociology of religious knowledge in the Roman Empire to A.D. 284', in: *ANRW* 2.16.3 (1986), 2677-2773, at 2759 with n. 266.

⁴⁵ Reitzenstein, 25-27. More recently, the missionary function of miracle-working 'divine man' has been emphasized by Corrington, esp. 159-209. J.Z. Smith, *Map is not territory*. *Studies in the history of religions*. Leiden 1978, 187 also assigns the rise of the 'divine man' to the Hellenistic period.

⁴⁶ Smith, 179-181. See also R. Garland, 'Priests and power in Classical Athens', in: M. Beard/J. North (eds), *Pagan priests. Religion and power in the ancient world*. London 1990, 73-91, dealing at 82-85 with *chrēsmologoi* and *manteis* in the Archaic and Classical periods and affirming at 83 that at least some of these seers relied on inspiration. For an interesting early fourth-century case, usually overlooked in scholarly literature on the θεῖος ἀνὴρ, see Plu., *Lys.* 26.1: 'Apollo's son' Silenus, from Pontus, an (ultimately ineffective) instrument in Lysander's alleged scheme

to abolish the exclusive claim of the Agiads and the Eurypontids to the Spartan throne. Plutarch (*Lys.* 25.5) claims to follow the account of a man who was both a historian and a philosopher, probably Theophrastus, see J. Smits, *Plutarchus' Leven van Lysander*. Amsterdam 1939, 11 and 232.

⁴⁷ Burkert, 137.

⁴⁸ J. North, 'The development of religious pluralism', in: J. Lieu/J. North/T. Rajak (eds), *The Jews among pagans and Christians in the Roman Empire*. London/New York 1992, 174-193; the quotation is from p. 187.

⁴⁹ I offer this characterization as a working definition of the miracle-working 'divine man'. It marks a return from Bieler's *Gesamttypus* to Reitzenstein's position, see Reitzenstein, 26: "... ein solcher Gottmensch [verbindet] auf Grund einer höheren Natur und persönlicher Heiligkeit in sich tiefstes Erkennen, Seher- und Wunderkraft."

⁵⁰ Thanks are due to Dr E. Koskeniemi, who kindly answered a previous formulation of my objections to his position by letter. Although he did not dispel my doubts. I appreciate his willingness to discuss differences of opinion. I am also indebted to the anonymous reader of *Numen* and to Professor J. den Boeft for helpful comments on an earlier version of this contribution, and to my former students Jona Lendering and Eva Dutilh, who in 1990 participated in a seminar devoted to the Greek world of the early Empire and produced a paper on Apollonius of Tyana and Alexander of Abonouteichos.

Conference

A REPORT ON THE XVIIITH INTERNATIONAL CONGRESS FOR THE HISTORY OF RELIGIONS

SYLVIA MARCOS

The International Congress on the History of Religions took place, for the first time in its history, in a Latin American country. Mexico was the selected site for the XVIIth meeting. The dynamic of social and political change which this country is presently undergoing influenced both the form and the content of the Congress; the general theme was "religion and society." Significantly, on some of the days of the Congress we heard behind the walls the voices of social unrest chanting their protests. Religionists congregated there learned and recognized the interconnection between religion and politics.

Traditionally, the congresses of the International Association for the History of Religions (IAHR) are organized in sections representing specific areas of the study of religions and serving also as main headings of the program. The IAHR's past emphasis on historical and philological methods for the study of religions is reflected in such area sections. During the preparation of this XVIIth Congress the focus was broadened to include the interactions and the internal dynamics of religious systems with changing social and cultural contexts.

In his inaugural address, Michael Pye, Secretary General of the IAHR, stressed that

...the way religion is studied in various regions of the world is rather different. The Latin American context is very special because of its unique history of the Spanish Conquest and the mixing of social groups ever since.

Mexico, he claimed, was an ideal site for the Congress, on the one hand because of the Catholic Church's role in political conflicts, and on the other hand because of the recent emergence of new religious influences, such as Protestant groups. He saw our contemporary religious reality as the perfect background for a congress that focuses on the interactions between religion and society.

Elio Masferrer, Executive Secretary of the Congress, stressed that the conference would take a more humanistic rather than theological approach to the subject of religion and its role in society.

The week-long conference took place in the Claustro de Sor Juana Ines de la Cruz. A beautiful XVIIth Century convent of the order of Jeronimas nuns, where the celebrated Mexican poet and literary luminary of that century wrote some of her more celebrated prose. An intense intellectual and a woman of special physical beauty, she chose to retire to a convent to enjoy the time and recollection needed for her work. The atmosphere of those cloisters continued in the present to offer a suitable context for the more than 800 presentations divided among some 100 symposia.

It is impossible to render an exhaustive review of an event of such magnitude. I will simply highlight broadly some themes and events that were amenable to my personal involvement or participation.

Thematically, the symposia clustered mainly around certain pressing issues in the study of religions and their socio-political impact. Some of these clusters were: the grip, on contemporary societies, of the process of construction of new religions; the study of recent forms of fundamentalism and their political implications; the shaping force of gender on religions; theoretical perspectives for the study of religions; the interrelationship between medicine, shamanism, and religions; syncretism reconsidered in its conceptualization and its application to concrete cases.

As in previous congresses, some presentations were grouped both by regions of the world and by the specific religious systems under scrutiny. *Religious state and society in Africa*, chaired by J. Olupona and A. Tayob, was an example.

The following is an excerpt from the symposia's list:

New Religious Movements, chaired by Elio Masferrer and Lourdes Baez;

Ethnic-Religious Movements, chaired by Jorge Hernandez Diaz;

Charismatic Groups, chaired by Eva Pizano;

History of Settlement and the Impact of Conversion on Protestantism in the Third World, chaired by Artemia Fabre.

These particular symposia focused specially on the contemporary religious scene with its multiple manifestations of new religious configurations that exemplify the varied, contradictory, and sometimes incomprehensible ways in which urban and rural populations integrate different religious influences.

The symposium on *Recent Research on Fundamentalism*, chaired by Peter Antes and Hans Kippenberg dealt with the amazing recent career of religions that challenges the focus of the academic study of religion directed on private religious experience. The symposium on *Religion and Intolerance*, chaired by Gilberto Gimenez and Yolotl González, addressed the growing intolerance among believers of different religious systems; they also gave some examples of religious tolerance. In his plenary address, Ashis Nandy insisted on the pressing questions of growing religious intolerance in India. He exposed the political manipulations of beliefs which foster enmity where religious tolerance had previously prevailed. He gave poignant examples of the misuse of religion by ill-meaning politicians. Fundamentalism was also revised conceptually and by employing case studies—specifically those that emerged during the 1990's. Is tolerance to diversity possible in a closed system of belief?

The shaping force of gender was analyzed in a series of eight symposia. In the previous Congress, held in Rome in 1990, Ursula King had organized the *Gender and Religions* section. In those sections much of relevance for thought and study had emerged. In Mexico, this section was coordinated by Rosalind Hackett and Sylvia Marcos. A new perspective on the study of gender was a focus on corporeality, on the body and religion. Different religious perspectives on the body emerged. Naomi Seidman spoke of the Jewish body; Fe Mangahas, Milagros Guerrero and Consolacion Alaras analyzed corporeality among native populations of the Philippine Islands before the arrival of the Spaniards, during the colonial period and among contemporary grassroots people. Janet Chawla described Hindu beliefs on women's life cycle and corporeal events like menarche and menopause. Tony Battaglia traced corporeality in Catholicism back to the presence of corporeal images of saints and virgins in Catholic churches. Miriam Levering spoke of the Buddhist need to transcend gender-sex differences. Carol Laderman analyzed the sex-gender divide in the perception of a Malay medicine woman. Mesoamerican bodily constructions were discussed by Sylvia Marcos.

In the symposium on *Theory in Gender and Religion*, Nancy Falk presented the efforts of scholars in the study of Hindu religion to demystify the Hindu past. Rita Gross questioned the Pre-Patriarchal Hypothesis, and Catherine Machale described Lakota and Huroni linguistic and religious epistemologies. Rosalind Hackett proposed a study of African art as "text", and Miranda Shaw criticized the colonialist discourse prevailing in studies of tantric texts where women do not seem to be as relevant as her own

new translations seem to prove. Other symposia themes were *Women and Religious Innovations*, chaired by Rosalind Hackett and Helena Helve, and *Feminine Spirituality*, chaired by Jordan Paper. The creativeness and intensity of women's contributions to religions were analyzed cross-culturally. Among the participants were Terhi Utriainen and Tuula Sakaranaho, both Finnish scholars who shared the discussions with Native American, Hindu, Puerto Rican, German, Chinese, Canadian and American scholars.

Among those who focused on theory and method in the study of religion, E. Thomas Lawson and Donald Wiebe coordinated a series of symposia on matters of theory and method in the study of religion in the social and cognitive sciences. Lawson, Robert McCauley and Birgitta Mark presented theories employing the insights of the cognitive sciences for the study of religious systems. Armin Geertz chaired *Global Perspectives on Methodology for the Study of Religions*. Some of the presentations tried to ask if religious studies constitute a hermeneutical or an explanatory task. Others dealt with the problem of ethnocentrism in the definition of religion and of methods and theories capable of counterbalancing it through cross-cultural prototypes.

These lively, well-attended discussions tried to unravel, if possible, a definition of religion and the relation between definition and theory. *The Notion of Person or its Equivalents in Different Religious Systems* was another symposium with Latin American theoreticians that approached religious theory from a different perspective.

Syncretism has long enjoyed a sustained analysis. It is constantly reconceptualized. In the Congress, there were several symposia which dealt specifically with the topic. *Syncretism among Latinos in the USA*, chaired by Anthony Stevens-Arroyo; *Religious Syncretism in South East Asia: a Historical Appraisal*, chaired by Amarjiva Lochan; and *Afroamerican Cults*, chaired by Laura Rita Segato, were among those that most persistently touched upon syncretism. In many of the presentations there was an attempt at redefinition, in yet another the issues appeared more a description of how a new synthesis emerges. Yet other discussions claimed that synthesis and syncretism are not synonymous; its processual character seemed to be generally accepted, but semiotic theoreticians signaled the need for further and deeper studies of cultural codes that could solve the apparent cul-de-sac in which the definitions of syncretism seem to be presently stuck. Syncretism was also an issue in the theory and method section organized by

Lawson and Wiebe and important papers were presented by Timothy Light, Michael Pye and Luther Martin.

The influences of ethnic variables in the belief and practice of several urban populations in Mexico was analyzed by the president of the congress, Yolotl González, in her plenary address. The religious movement of *la Mexicanidad* is an answer to the pressing social and political conditions in today's Mexico. It provides a basis for pride in our indigenous identities. However, these "indigenous" roots get reinterpreted and sometimes reinvented, in an attempt to develop counter-traditions of our own. The complex interaction between past and present served as her basis for differentiating among the more relevant groups of *La Mexicanidad*. They are more or less related to ancient indigenous roots in their beliefs and rituals, but, Dr. González claimed, the ceremonial dancing groups calling themselves "concheros," for example, are truly anchored in those traditions. Others merely read the old chronicles and primary sources on Prehispanic religions and interpret them within a contemporary context heavily laden with new values. Among these, groups like the "Reginos" claim for themselves the name "La nueva Mexicanidad." This latter movement has created an assemblage out of diverse religious influences, combining astrology, some elements of the Buddhist, Hindu and Hermetic traditions, seasoned with some ecological concerns.

The same indigenous focus in the analysis was present in Indoamerican Theology, and Mesoamerican Theogony and Liturgy, symposia coordinated by Eleazar Lopez, Marinella Miano and Marie Odile Marion.

In the final general assembly the majority of members decided not to change the name of the Association. We will continue calling ourselves the *International Association for the History of Religions*. Will the future reveal a better name to circumscribe our interests and research endeavors? That remains to be seen.

Centro de Investigaciones Psicoetnológicas
Apdo. postal 698
62000 Cuernavaca Morelos, Mexico

SYLVIA MARCOS

BOOK REVIEWS

PASCAL BOYER (Ed.), *Cognitive Aspects of Religious Symbolism*—Cambridge: Cambridge University Press, 1993, IX + 246 p., ISBN 0-521-43288-X (hb.), £27.95.

The cognitive study of religious symbolism aims to develop a naturalist psychology of religion by applying developments in the cognitive sciences, and more in particular in cognitive psychology and anthropology—which study how humans learn the concepts they need in daily social life, and acquire proficiency in their use—to the study of how religious concepts are transmitted, learned, and properly used; and *vice versa* to contribute to the development of the young cognitive sciences by the study of religious symbols as a special domain unconstrained by practical constraints (43). Cognitive anthropology of religion aims to ‘explain the recurrent properties of religious symbolism’ by studying the rules preprogrammed in our minds which constrain the transmission, acquisition, and proficient use in daily life of the mental representations and processes involved in religious beliefs, discourse and behaviour (4).

The volume has four parts. The first has two papers which place this approach in the wider framework of anthropology: one by Boyer on the special marks of the cognitive approach to religious symbolism compared to earlier approaches which did not take the universal constraints upon human cognition into account (4-47); and one by Scott Atran on the defective contribution of earlier ‘ethnosemantics’, the study of category formation in traditional societies, and how to improve upon it (48-70). Part two, on religious categories being structured by tacit assumptions which constrain the range of inferences and conjectures which believers can make about religious entities and processes (73), has four papers: one by J.D. Keller and F.K. Lehman on the complexity, because of embedded meanings and polysemy, of two ideas central to the cosmology of islanders of West Futuna, Vanuatu (74-92); one by Roger Keesing on the evocative power of focal metaphors, such as ‘earth’ and ‘path’, in Kwaio culture on Malaita,

Solomon Islands (93-110); one by Maurice Bloch, who explores the intuitive connections made by a Malagasy society between trees, wood, houses, and humans, and their dealing with the first three as metaphorical substitutes for the latter after rules, postulated as specific by Atran for concept formation about living beings (111-120); and one by Boyer who analyses 'the role of implicit ontological hypotheses' (125) restricting the range of predicates that can be applied to a specific cognitive domain, in the praxis of cultural categories in a number of traditional societies; which role corresponds to 'the surprisingly finegraded ontological distinctions' (127) between several cognitive domains which cognitive psychology has shown children in Western societies to use intuitively even at an early age. As these distinctions 'are transmitted without being taught' (139) in both settings, Boyer suggests that they must be explained by a faculty for 'intuitive heuristics' (140) in man which automatically triggers the application of certain distinctions to certain domains (121-141). The third part is on how beliefs are acquired and fixed; it has two contributions. In the first (147-164), Christina Toren challenges the assumption that 'the symbolic' is a separate domain located in ritual, unconstrained by everyday knowledge. She argues on the basis of her ethnographic work with school children on Gau, in central Fiji, that it becomes such by a process of progressive cognitive development in the children when they gradually learn to discern the symbolic meaning intended in a certain behaviour. If Toren deals with a well-structured ritual, the symbolic meaning of which children gradually discover, Carlo Severi in the second article (165-181) deals with the dark language and behaviour of the shamans among the Cuna Indians of Panama, from which the participants in their rituals only gradually construct, by analogy with non-ritual situations, vague, and by the variety which vagueness allows, complex and highly personal, representations of the invisible entities, which can be sensed but not seen, and which are believed to be actively involved in their situation. He contends that these very loose notions are produced performatively in the pragmatics of the ritual and often have no existence elsewhere (166). The fourth and final part also has two contributions, by Thomas Lawson (188-206) and Michael Houseman (207-224), on the intrinsic properties and structure of ritual action. Lawson uses the Chomskyan notion of competence for a general account of the structure of ritual produced by the participants' intuitions about when a ritual is 'well-formed', and when it is not. Central to his argument is

the distinction between the syntax of ritual action and the semantics of religious representations. The intuitions of the participants about the first enable them to use the latter in appropriate ways in actual rituals. Houseman, in his contribution on the 'secret' initiation rite for boys among the Beti in Cameroon, argues that rites are not only syntactically constrained, but to some degree also semantically by the formal properties of religious interaction.

This well-ordered and well-produced book is a credit to the growing literature on the cognitive approach to the study of symbol, ritual and religion which has emerged in the last decade. The paradigm being so young, its adherents are highly ambitious: the hypotheses formulated challenge many received points of view. Though they often seem to explain certain empirical data better than previous theories, yet, so far the enterprise has remained rather speculative. Even so, this collection of papers is, in my view, of prime importance to all scholars of symbols, rituals, and religions with an interest in theory development for the purpose of the construction of more adequate instruments of research for these three highly important fields of cultural research.

University of Leiden
Dept. for the Study of Religion
Matthias de Vrieshof 1
NL-2300 RA Leiden

J.G. PLATVOET

SUMNER B. TWISS and WALTER H. CONSER Jr. (Eds), *Experience of the Sacred: Readings in the Phenomenology of Religion*—Hanover NH, London: Brown University Press/University Press of New England, 1992, X + 294 p., ISBN 0-87451-530-0 (pb).

Despite its title, and 'readings' from Otto, Kristensen, Kitagawa, Eliade, and Hultkrantz, this edited collection of excerpts is a source book in philosophical Phenomenology in the tradition of Scheler and Ricoeur rather than a Phenomenology of Religion in the tradition of van der Leeuw. Twiss and Conser subsume the latter more historical tradition into a more speculative and more properly Husserlian phenomenology. The readings are grouped in three sections. The first is on 'numinous', mystical, and feminist

religious experience, which Twiss and Conser term 'essential phenomenology'. It has excerpts from Otto on the experience of the numinous (77-85), Scheler on the divine being revealed in 'natural religious' acts as absolute and holy (86-96), Earle on a phenomenology of mysticism (97-112), the Zen teacher Sekida on *samadhi* in Husserlian and Heideggerian terms (112-120), Carol Christ on the spiritual quest of women from nothingness to awakening, insight, and new naming (120-128), and Dupré on his thesis that 'autonomous reflection', divorced from religious experience, cannot do justice to religion (129-142). In the second section, five readings are grouped on 'the social and symbolic forms of the sacred', as studied by what Twiss and Conser term 'the historical-typological Phenomenology of Religion'. It has excerpts from C.J. Arthur on Phenomenology and religion in Golding's novels about the Neanderthals (145-166), Kristensen on prayer (167-176), Kitagawa on three types of pilgrimage in Japan (177-187), Eliade on the world, the city, and the house (188-199), and Hultkrantz on the cult of the dead among North American Indians (200-220). The third section is a collection of readings on 'levels of meaning in the religious life-world' as discussed in 'existential hermeneutics'. They are by Ricoeur on guilt and ethics, J.E. Smith on the experience of the holy and the idea of God (238-248), M. Westphal on again guilt (248-264), Caroline Bynum on the polysemic nature of religious symbols (265-273), and Paul Pruyser on the dynamics of hope (273-289). The three sections are preceded by a long introduction (1-74) in which Twiss and Conser introduce these three successive types of phenomenology of religion, the essential, the historical-typological, and the existential-hermeneutical, as the three 'separate but related voices' (1-2) which together constitute the choir of modern phenomenology of religion.

The phenomenology advocated in this book is the existential-hermeneutical one. It is a non-factual, personal, holistic (160), imaginary re-experiencing (163) of one's own or any other believer's experiences of the Transcendent. It espouses a meta-testable inclusive religious ontology and is thoroughly religionist. Twiss and Conser consider their amalgam 'one of the most important methods for the study of religions developed in the last century', a claim which a good many scholars of religions will not endorse, however much they will respect this theology, in the manner in which religions are to be respected. This book seems to be of interest mainly for

scholars of liberal Christian persuasion in Philosophy of Religion and Philosophical Theology.

University of Leiden
Dept. for the Study of Religion
Matthias de Vrieshof 1
NL-2300 RA Leiden

J.G. PLATVOET

EARLY GREEK SANCTUARIES

NANNO MARINATOS and ROBIN HÄGG (Eds), *Greek Sanctuaries. New Approaches*—London, New York: Routledge, 1993, XII + 245 p., ISBN 0-415-05384 (cloth), £35.00.

Le sanctuaire grec. Entretiens préparés par ALBERT SCHACHTER (Fondation Hardt: Entretiens sur l'antiquité classique, 37)—Genève, 1992, X + 367 p.

MARCEL PIÉRART (Ed.), *Polydipsion Argos. Argos de la fin des palais mycéniens à la constitution de l'Etat classique* (Bulletin de Correspondence Hellénique, Supplément 22)—Athens, Fribourg: École Française d'Athènes, 1992, XII + 324 p., ISBN 2-86958-041-X.

These recently published volumes on Greek sanctuaries are worth the attention of the historian of religions. They reveal a new approach, different from most of the earlier books about Greek temples: not the isolated temple or altar, not the aesthetic of architecture or morphological comparison, but sanctuaries as a whole in context with settlements, their function for cultic activities and socially differentiated groups.

An *Entretien* between Classical Archaeologists and Philologists is first an encounter of different sources about the same subject. There are enormous differences between the written sources on one hand, and the reconstruction of the excavated stones, vessels or votives on the other. Walter Burkert: *concordia discors*: The literary and archaeological evidence on the sanctuary of Samothrace (in Marinatos & Hägg [M&H] 178-191) shows, how literary sources on Greek religion are interested in exciting stories, in sex and crime, in ranking lists, which sanctuaries is the oldest, who introduced mysteries

for the first time, and so on. Excavators on the other hand (as positivists) use only the isolated bits of information in the literary source, they are not interested in context and intention, why one author ascribes an absurdity to, say, Samothrace and her mysteries. Another problem of sources can be seen, whenever an excavator has to determine the function of a building or its interior without the help of a guide like that of Pausanias for mainland Greece, as Birgitta Bergquist: *The Archaic Temenos in Western Greece* (in: *Le sanctuaire grec* [LSG] 109-152) deplores.

The second encounter is that of methods. According to Richard Tomlinson: *Perachora* (LSG 321-346) the sanctuary of Hera *Akraia* in the town of Corinth is founded as a counterpart to the sanctuary of Hera *Akraia* on the other shore of the gulf. The epithet cannot be derived from locality. But T. does not understand the question of Fritz Graf, whether not only the name but also the ritual (initiation of boys) has been transferred (p. 347 sq.). In all contributions there are examples of a new understanding for the secondary buildings of the sanctuaries. The sanctuaries were not only places for offerings to the god, but also places for feasts, meetings, sports, dancing, theatre, and concerts. Ulrich Sinn adds another function (not valid for every sanctuary): Greek sanctuaries as places of refuge (M&H 88-109). But it is not satisfactory just to see in the sanctuaries combinations of sacred and secular purposes, of votives and utensils, of installations for gods vs. installations for men (Tomlinson, e.g. 346). That does not meet the Greek distinctions, rightly shown by Graf and Schachter (LSG 350 sq.). The case of the sanctuary of Demeter and Kore at Corinth with a series of banquet-rooms, a little theatre, but no temple, no altar, is revealing: Nancy Bookidis: *Ritual dining at Corinth* (M&H 45-61). Folkert van Straten gives a continuation of his comprehensive studies on votives: *Votives and votaries in Greek sanctuaries* (LSG 247-284); Roland Etienne exposes a typology on altars: *Autels et sacrifices* (LSG 291-312). Briefly, this seems to me the first achievement in current scholarship on Greek sanctuaries: The myopic view on temple and altar has been widened to the sanctuary as a whole. It has many functions; our distinction between sacred and profane does not work.

A second achievement is to recognize the enormous differences between (1) the local displays of sanctuaries and (2) the differences between geometric/archaic and the classical sanctuaries. The later the less important the differences become. So sanctuaries, before "houses for the gods" (i.e. gods' images) had been built, and their early development contradict our image

of “the” Greek sanctuary, thus Christiane Sourvinou-Inwood: Early Sanctuaries, the eighth century and ritual space (M&H 1-17); the pan-hellenic festivals provide meeting-places for men all over the Greek world, and so became a first “market” to acquire an idea, what is Greek in a sanctuary, see Catherine Morgan: The origins of pan-Hellenism (M&H 18-44) and, more specialized, Elizabeth R. Gebhard: The evolution of pan-Hellenic sanctuary. From archaeology to history at Isthmia (M&H 154-177). Also the image of sanctuaries, excavated by past generations, has been altered considerably, so Eleusis (seen by an philologist) and Samos: Kevin Clinton: The sanctuary of Demeter and Kore at Eleusis. (M&H 110-124); Helmut Kyrieleis: The Heraion of Samos (M&H 125-153). In contrast Emily Kearns treats Sanctuary-Tomb of Heroes: Between god and man: status and functions of heroes and their sanctuaries (LSG 65-99) and Fritz Graf the liminal placing of healing cults: Heiligtum und Ritual. Das Beispiel der griechisch-römischen Asklepieia (LSG 159-199).

A third set of questions has been discussed only recently, taking as a seminal work Fritz Graf’s *Nordionische Kulte* (1985): local religion and *polis*-religion. Whereas earlier books worked with the hypothesis that virtually every Greek community revered every Greek god (and where a cult of one god was not reported, it would be rather a *lacuna* in our evidence), there is now a tendency to see the god or hero as a representative of the social groups within the *polis* or the community as a whole (employing Durkheim’s model Christiane Sourvinou-Inwood: What is *Polis*-Religion? in: Oswyn Murray; Simon Price [Eds]: *The Greek City*, Oxford 1990, 295-322). But one man/women could participate in one cult and join others to another cult. The view of Peter L. Berger that modernity created a necessity for choosing in a religious market and to play more than one role (German title of his book: *Zwang zur Häresie*) seems to be the social reality of polytheistic religions in antiquity. Thus there is the task to ask for the whole “market” in connection with the possible participators, inclusions and exclusions of social groups. The inquiry demands the cooperation of philologists, archaeologists and historians of religion; it can be answered only in a given field of research, the local communities of one *polis* (city with its country). The task has just begun to be envisaged; systematic questions are missing in the investigations, they should be posed by an historian of religions. Earlier studies by Robert Parker let me look forward to his promised book on Athenian religion—the attempt made by Albert Schachter: *Policy*,

cult, and the placing of Greek sanctuaries (LSG 1-57) would have gained by concentration on the social, topographical, historical interferences in one region that found their expression in a sacral (and mythological) landscape. A splendid example is Piérart's paper «Argos assoiffée» et «Argos riche en cavales». Provinces culturelles à l'époque proto-historique (Piérart, Argos 118-155), though it is only a step in the direction mentioned. Most valuable (and no one could imagine that it might be possible) is an archaeological survey of the sanctuaries in a region, by Robin Hägg: Geometric Sanctuaries in the Argolid (in: Piérart, Argos p. 1-35). Some material for the question of local religion could be found in the papers of Madeleine Jost: Sanctuaires ruraux et sanctuaires urbains en Arcadie (LSG 205-238); *eadem*: La légende de Melampous (Piérart, Argos 173-182). The new finds of a *Heroon* in Argos are discussed in papers by Anne Pariente, Michèle Daumas, Jean-François Bommelaer (Piérart, Argos 195-304) and Rob W.M. Schumacher: Three related sanctuaries of Poseidon: Geraistos, Kalauria and Tainaron (M&H 62-87). The papers in Piérart's Argos are good examples of the archaeological and epigraphical approach of the French school, apt especially for a close local and temporal issue; comparative questions (what is characteristic for my local example?) are not answered in a convincing matter.

All three volumes are indispensable for libraries especially those specializing in ancient cultures. The volumes are equipped with notes, bibliography, and indexes. A bibliographical introduction is given by Erik Østby: Twenty five years of research on Greek sanctuaries (M&H 192-227). LSG has but a few plans, the other are illustrated throughout. In LSG the discussions following the papers are most valuable. The question, which Nanno Marinatos poses in her short synthesis (M&H 228-233) "What were Greek sanctuaries?" has gained new perspectives and rewarding tasks: to connect the results of archaeological field-work with epigraphical and philological commented sources in a model of *local religion*. In my book on local religion in the Argolid (forthcoming) I ventured a case study.

Seminar für Religionswissenschaft
Universität Tübingen
Corrensstr. 12
D-72076 Tübingen

CHRISTOPH AUFFARTH

JÖRG RÜPKE, *Kalender und Öffentlichkeit. Die Geschichte der Repräsentation und religiösen Qualifikation von Zeit in Rom* (Religionsgeschichtliche Versuche und Vorarbeiten, vol. 40)—Berlin, New York: Walter de Gruyter Verlag, 1995, 740 p., ISBN 3-11-014514-6, DM 338.00.

The aim of this study is a cultural-scientific analysis of the Roman calendar. R(üpke) wants to describe the organization of time in a society in its achievement, development, function and consequences. Therefore he necessarily touches some central problems of economic and above all political history.

The work is divided into three parts of different quality. The first is by far the soundest. After some introductory reflections about the 'social dimension of time' the examples of Roman calendars which are known so far are presented, most of them from the time of the principate. They are divided into those of the capital itself and those found outside Rome (pp. 39-188). R. gives a short description of the form and contents of the texts and discusses their dates of composition. Most of the calendars can be dated to the time of Augustus and Tiberius, a period once designated by G. Alföldy as the 'Geburtsstunde' of the epigraphic art of the principate (Gymnasium 98, 1991, pp. 289-324). R. is right in stressing that the fragmentary state of the remains should not deceive us about the fact that the calendars belonged to the most important species of the epigraphical art of the period; most of the calendars were made of marble and were meant as mural decoration (p. 167). He points out the numerous errors and the variation of the items, but one has to remember the fact that our ideas of order and regular presentation perhaps do not fit with those of antiquity.

The second part deals with the history of the *fasti* (pp. 191-484). It is not possible to outline any single result; I can only quote some of them. R. can make it probable that the Republican calendar was preceded by one of twelve lunar months—there was no year of ten months—six of them with theophoric and six with numerical names. The date of birth of the calendar, whose first epigraphical documentation dates from the first century B.C., was about 300 B.C., the time when serious informations about the Roman republic begin. While discussing the *lex Acilia* of 191 B.C., R. tries to explain the problem of *intercalatio* with hypothetical arguments belonging to the history of economy and religion and

the prosopography. I think that plausibility or even certainty will never be reached. R. gains safer ground as he treats the reform of the calendar by Iulius Caesar. His arguments concerning the bloom of the great public calendars in the early times of the Julio-Claudian *principes* and the swift decline of this shortlived tradition are convincing (pp. 417-425). One finds remarkable information in this part about the original meaning of the *Nonae* and the abbreviation *N(efas) P(iaculum)*, the *tubilustrium* and so forth.

I must confess that I have great difficulty in understanding the third part "Kalender und Gesellschaft" (pp. 487-628). It deals with "Feriae: Das Konzept des Feiertages", "Lokale Entscheidungsstrukturen: Ferialia", "Strukturen römischen Kultes", "Weiße Tage, schwarze Tage, kalendarische Divination" and "Kalender und Öffentlichkeit". My difficulties have to do with the vocabulary R. is using. He stresses the validity of the *ferialia* compared to the *fasti* only for a certain group of people or a certain locality. Then he restricts: "Die Daten gelten für die Gruppe als Gruppe, den Ort als Ort, sie regeln nicht die Gesamtheit der religiösen Aspekte der betroffenen Individuen" (p. 527). So far, so good; the text continues: "Auf der Ebene des Individuums müßten für eine vollständige Analyse neben der soziotemporalen Umwelt die fundamentalen biotemporalen und nootemporalen Umwelten, das heißt die körperlichen und psychischen Rhythmen, berücksichtigt werden. Die soziotemporale Umwelt wäre noch einmal hinsichtlich der beteiligten (Sub-)Systeme zu differenzieren". Is this an abstract vocabulary far away from reality or a mere jingle of words? The study ends with a bibliography, an index of subjects and an index of sources.

R. is endeavouring to provide a much more detailed study than is necessary for the subject under discussion. An additional criticism involves mentioning irrelevant research (cf. my review in this periodical 29, 1992, 263). Here one can recognize the disastrous consequences of data banks for literature in connection with a really manic effort to demonstrate 'knowledge' of research. I only give one example: In connection with the discussion about *feriae* R. mentions vacation for harvest and vintage (p. 430). Absolutely superfluous in this context is his quoting of a book about the importance of wine since archaic times. This inflates the notes and leads to a bibliography of 1,400 items (pp. 631-700). To this book one can apply

the german proverb 'weniger wäre mehr gewesen'; this would have made the reading less taxing and ultimately more interesting.

Johann Wolfgang Goethe-Universität
Seminar für Griechische und Römische Geschichte I
Senckenberganlage 31
D-60054 Frankfurt am Main

MANFRED CLAUSS

BRIAN P. CLARKE, *Piety and Nationalism: Lay Voluntary Associations and the Creation of an Irish-Catholic Community in Toronto, 1850-1895* (McGill-Queen's Studies in the History of Religion no. 12)—Montreal & Kingston, London, Buffalo: McGill-Queens University Press, 1993, XII + 340 p., ISBN 0-7735-1130 (cloth), \$33.95.

To illustrate the understanding of the laity's role in the Roman Catholic Church during the middle decades of the nineteenth century Clarke cites Bishop I. Bourget of Montreal: "Let each say in his heart: 'I hear my curé, my curé hears the bishop, the bishop hears the Pope, and the Pope hears Our Lord Jesus Christ'". There was no place for activism on the part of the laity out of the authority of the clergy: "Just as the pontiff, the vicar of Christ, was the unquestioned sovereign of the church universal, so too were the bishops and clergy to rule as virtual popes over their own dioceses and parishes" (3). – The period covered in Clarke's study is determined by the types of voluntary associations found among the Irish Catholics of Toronto. These Irish nationalist societies existed outside the *formal structures* of the church, but they were not unreligious or stood against the church. The nature of conflict between the societies and the clergy was the question of the laity's right to exercise leadership independently of the clergy. So Clarke places the "Toronto experience" in the context of the two Irish-Catholic awakenings in the nineteenth century: one national, the other religious. He demonstrates that lay activists in the rich associational life, which ranged from nationalist and fraternal associations independent of the church to devotional and philanthropic associations affiliated with the church (like Saint Joseph's Society, Saint Patrick's Temperance Society, Saint Vincent de Paul Society, Our Lady Conference, Hibernian Benevolent Society and others) played a pivotal role in transforming the religious life of the community.

The study or the “experience” closes in 1895, by which time the church had reformed the understanding of laity’s role and “the independent nationalist societies had entered into decline and their place had been filled by church-affiliated organizations, decisively altering the pattern of lay associational life in Toronto” (9). – The “Toronto experience” is a study of an individual case and the experiences could not be generalized. The study is well occured with rich bibliographical references in the notes (pp. 263-331).

Am Tempelhof 6
D-53347 Alfter

NORBERT M. BORENGÄSSER

GEORGE J. TANABE and WILLA J. TANABE, *The Lotus Sutra in Japanese Culture* (Honolulu, Univ. of Hawaii Press), 1989, cloth, 239 p., \$25.00, ISBN 0-8248-1198-4.

IAN READER, *Religion in Contemporary Japan* (Honolulu, Univ. of Hawaii Press), 1991, cloth, 277 p., \$39.00, ISBN 0-8248-1354-5.

NOBUTAKA INOUE (Ed.), *New Religions* (Contemporary Papers in Japanese Religion 2, Inst. of Japanese Culture and Classics, Kokugakuin University, Tokyo), 1991, hc., 280 p., ISBN 4-905853-00-1.

“The bible of half Asia”. No need to specify that this designation refers to the Lotus Sutra. Its influence not only on various forms of Buddhism, on the secretarian-doctrinal arguments serving political manipulations (cf. Ryogen in mid-Heian Japan), and last but not least on art are well-known. J. LeRoy Davidson’s *The Lotus Sutra in Chinese Art* appeared 40 years ago. Lotus-fans will remember the “Arts of the Lotus Sutra” exhibition held in the National Museum at Nara in 1979 and the beautiful catalogue published on that occasion. The role played by the Sutra more specifically in Japanese culture (sectarian developments from Tendai to Nichirenism, Lotus “scholasticism”, doctrine and devotion (e.g., the *Daimoku*), poetry (e.g., Lotus-inspired *waka*), and pictorial art-painting in general as well as more specifically religious objects of worship) has been rather neglected. The First International Conference on the subject held at the University of Hawaii in 1984 will, so one hopes, not be the last. The ten contributions to the Conference volume

plus the editors' Introduction, make the book an interdisciplinary achievement of high quality. Considering the fact that the Buddhism-derived "new religions" of Japan are (almost) all Lotus-derived, it comes as no surprise that the concluding chapter on the Lotus Sutra in modern Japan should be by Helen Hardacre. Reviewers are professionally obliged to complain about something. So let us complain that there are only black-and-white and no colour plates in this fine volume.

Are the Japanese "religious"? And what is the place of religion in contemporary Japan? Much ink has been spilled over these partly meaningless, partly significant questions. Questionnaire-addicts will confirm that most Japanese designate themselves as "not religious". This answer, however, fails to account for the boom of the "new religions" and even more for the increasing participation at local shrine festivals and *matsuri*. Since the *matsuri* boom appears to be a grassroots phenomenon (encouraged no doubt by tourist offices and municipalities), its relation to the establishment-religions (Shinto and Buddhism) calls for closer examination. *Hatsumode* (The "first visit" of the year to a temple during the first three days of the new year) is a venerable Japanese custom. According to the statistics of the Traffic Police the number of *hatsumode* visitors to shrines and temples throughout Japan in 1990 was 79.58 million—4.14 million more than in 1989.

All this by way of saying that Ian Reader's excellent book was long overdue. This is not one more book on Religion(s) in Japan or on the "new religions", but precisely a description of *Religion in Contemporary Japan*, and the author ranges freely and easily over an assortment of case studies of "religion in action": austere Zen halls, crowded temples and *matsuri*, fire rituals and much more. This is a book for readers who not only enjoy good description but also want to understand the continuing role and relevance of religion in rapidly modernising Japan.

NUMEN 39 (1992): 131 welcomed the initiative of the Institute of Japanese Culture and Classics of Kokugakuin University to publish a research series in English. Vol. 1 was devoted to a Shinto subject *par excellence*: *matsuri*. Vol. 2 takes up a subject that during the last decades has generated a flood of literature: the so-called "new religions". [Byron Earhart's bibliography of western language materials on the new religions (1970) had 96 pp. and 810 items. The 2nd ed. (1993) had grown to 213 pp. 1,447 items. By now a third ed. seems to be called for]. Some of these

sects/religions seem to be past their prime, but new ones are constantly arising (cf. Mahikari, Agon-shu, the *kokoro-no-jidai* phenomenon). But more interesting than accounts of the latest *shin shukyo* is the “new look” with which Japanese scholars are regarding the phenomenon, and it is for this reason in particular that this slim volume is so very welcome. From the Editor’s introductory chapter “Recent Trends in the Study of Japanese New Religions” to the translator’s postscript (pp. 265-278) which picks up all the loose ends and synthesizes the variety of contributions, the volume should give non-Japanese students of the subject an idea of what is going on in the field. Cf. also the brief account of the *Shin Shukyo Jiten* in NUMEN (*ibid.*) pp. 132-3.

Hebrew University
Faculty of Humanities
Department of Comparative Religion
Mount Scopus
Jerusalem 91905, Israel

R.J.Z. WERBLOWSKY

JOACHIM SÜSS, *Zur Erleuchtung unterwegs. Neo-Sannyasin in Deutschland und ihre Religion* (Marburger Studien zur Afrika- und Asienkunde, vol. 2)—Berlin: Dietrich Reimer Verlag, 1994, 321 p., ISBN 3-496-02531-X (paper), DM 48.00.

In 1970 Bhagwan Shree Rajneesh founded the Neo-Sannyas-Movement in India. He died in early 1990 under the name of Osho, leaving behind one of the most important among the new religious movements within the western world. In the same year the author of the present thesis carried through his investigations in a West-German Neo-Sannyas-Center. He enters a still new territory, not only as far as the subject is concerned but also the method: his technique of “narrative interview” for collecting qualifying data has hardly ever been used so far within the history of religion and which he combines with a phenomenological approach with reference to W.C. Smith’s “personification” in the study of religions. Especially in the first part about religious conceptions the presentation is accomplished mostly through narrative interview so that the subject is structured by the believers themselves which is then supplemented with data gained by participant observation and literary documents. The second part describes the religious practice of the

Neo-Sannyasin, which is marked by a special combination of certain forms of therapy and meditation. The third part is dedicated to the religious community system and supplies a brief historical survey over the rather eventful twenty years of its existence as a group. As in the first part, the author succeeds in developing his scientific approach convincingly by presenting the vantage point of the believers by way of oral history capturing a chapter in a history of religion “from the bottom”. The present thesis portrays Neo-Sannyas as an actually western form of religiosity that in its essence is individualistic, its centre being the spiritually motivated self-experience and the spiritual growth process with the salvation goal of self-realization to which all other religious aspects are functionally subordinated. The author sticks consistently to his scientific approach which, however, leaves some questions unanswered. One might therefore miss the sociological implications of the individualistic way to salvation of the Neo-Sannyasin within the context of modernization. Besides, the author’s method of “polishing the style” of his interview material seems somewhat problematic—needlessly he exposes himself to the suspicion of manipulation. Nevertheless this well-substantiated and methodically reflected thesis as a whole leaves one with a positive impression.

Sielwall 15
D-28203 Bremen

DIRK OTTEN

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RELIGION, LAW AND THE CONSTRUCTION OF IDENTITIES

PREFACE

HANS G. KIPPENBERG

Both in Europe and America every schoolchild learns that the state and the church are separate. In fact they are explicitly taught the language of "the separation of church and state." Since all scholars once went to school it is easy enough to notice that they have all learned their lesson well. As a consequence we lack studies which give the "wrong" answer: that state and church, or more precisely, law and religion are interrelated. Such is the case even in societies such as the United States of America which contain a constitutional separation of the two. In the United States of America Thomas Jefferson was the driving force behind the First Amendment to the constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The words of the First Amendment sound simple. In fact they have their work cut out for them since they appear to be self contradictory; they acknowledge the religiousness of Americans without establishing religion.

The argument has been made more than once that the field of religious studies is dominated by a strong Protestant current which implicitly views religion as a private matter. The public institutions of the secularized state may not aid in the establishment of religion. Any public institution displaying a Christmas crèche on public property or founding a Jewish school for handicapped children will be legally reprimanded for acting against the law. But today religions ask for recognition by state institutions even in the most secularized of societies. That fact causes friction and raises fundamental arguments about the proper nature and role of religion in a society. Is a

crèche displayed in a Christmas setting a genuine religious symbol? Does it transform a commercial setting, situated in a secular context, into a religious one? Cases of this kind defy easy classification. As long as religions are regarded as primarily private matters, the decision is obvious. It is the task of the state to remove all kinds of religious representations from the public sphere. But what would happen if it were the case that religions were not a matter of private faith, what would happen if it were the case that religion were not a natural category with universal application? What if it were the case that the borders between the private and the public domain were far more vague than they were perceived to be? Answers to such questions would have important consequences for the worlds of law and litigation. Anyway, is it not the case that religions always function contextually, that religious symbols in commercial contexts have lost their inherent sacredness? However, what about the reverse argument, that the display of a crèche in a public context indeed establishes religion and is against the law? Who is right, who wrong? And notice the paradox: a faithful adherent of a religion may be seriously offended by the arguments in support of a public display of his or her holy symbols.

A study of the interrelation of law and religion according to our established models lead to a dead end. The contributors to this special issue attempt a fresh approach. They deal with theoretical issues by examining judicial processes. Starting with judicial facts they end with issues in the study of religion. A "deep interpretation" discovers in the facts a structural tension between religion as an external phenomenon that obeys the law and as an ethos or worldview shaping tacitly an entire culture capable of eluding the law. Take for example Japanese religion. In Japan state and religion officially are separated. Nevertheless some years ago the supreme court declared the deification of a member of the Japanese Special Defence Forces constitutional. The apotheosis was about celebrating civic pride, not about religion.

From these studies we learn that law and jurisdiction are sensitive to meanings attributed to religion in public communication. To study

litigation around the issue of religion in the public sphere opens up an exciting vista for the contemporary history of religions. In America the First Amendment has had a legal impact different from its overt meaning. It did not disestablish religion; it established different kinds of public discourses about religion.

Universität Bremen
Fachbereich 9
Postfach 330440
D-28334 Bremen

HANS G. KIPPENBERG

RELIGION, LAW AND THE CONSTRUCTION OF IDENTITIES

INTRODUCTION

WINNIFRED FALLERS SULLIVAN

Summary

This introduction sets the academic and historical context for the four articles that follow. It considers how the modern legal disestablishment of religion has changed both religion and law and the nature of the interaction between them. It further argues that there has been insufficient academic attention given to the effect of disestablishment on both religion and the discourse about religion in modern secular society.

Many of the inhabitants of the villages of Chiapis in southern Mexico now participate in, and have for centuries, both modern Mayan and Christian religious traditions, as well as syncretic fusions of the two. In more “traditional” villages, as they are called, village governance and an elaborate ceremonial schedule which varies from village to village, are administered by a group of village elders, among whom are distributed the leadership of “church” and “state.” As the result of recent evangelization, some villagers are choosing to become exclusively Protestants or Catholics and to withdraw from participation in village religious and political life. In local parlance this would be viewed as choosing to be “religious” rather than choosing to remain “traditional.” When this choice is made, the villagers are often forced by the elders to leave their villages and move to new villages created by and for these Protestant or Catholic exiles.¹

In 1992 Mexico passed constitutional amendments extending religious freedom and recognizing the legal existence of religious corporations. The Chiapin exiles are aware of and assert to the Mexican government their constitutional right to remain in their villages and to have their religious freedom acknowledged. The Mexican government is pressured at the same time, however, in compensation

for centuries of often violent oppression of the indigenous communities of Mexico, to recognize the religious, cultural and even political autonomy of the Indian communities.

The ongoing process of the legal disestablishment of religion and the legal enshrinement of religious freedom—a feature of the modern period across the globe—can be seen in microcosm in Chiapis. Increasingly, governments around the world are urged to acknowledge individual rights of conscience and radical religious pluralism—among and within religions—in the context of a secular or “neutral” legal system. How can nations choose between individual claims for free exercise of religion and the demands of communities for control of their religious life? How can religions peacefully coexist under and freedom of conscience be recognized by governments and courts that, for historical reasons, are often ideologically estranged from religion and/or simply inadequately prepared to talk about religion at all?

The Chiapin situation and its counterparts in other parts of the world present challenging problems for theorists of human rights and constitutional law and displays some interesting aspects of the modern relationship between religion and law. In adjudicating among these claims and in devising legislative and judicial strategies to address these situations, the questions arises as to whether religion is a useful category for law at all or whether it simply creates too much ambiguity?

Religious freedom and its corollary, the legal disestablishment of religion, are justly extolled as among the important human accomplishments of the last two hundred years. The First Amendment to the United States Constitution,² for example, is widely understood to be the bedrock of American democracy and its religion clauses to be paradoxically the immediate cause of the tremendous vitality of religion in the United States. The religious intolerance, persecution and wars that formed the long and sorry prologue to these modern achievements are too often forgotten in the nostalgic calls of religious nationalists for a return to state-sponsored religion as a cure for the perceived evils of the secular society.

Disestablishment of religion, however, has not proved to be as simple, or its results as benign, as its proponents had hoped. Disestablishment of religion combined with a guarantee of religious freedom is now legally prescribed in some form in most countries of the world but the actual shape that these distinctively modern³ conditions will take is still evolving. Furthermore, the structural changes that have occurred and are occurring in religion and law as a result of these prescriptions are only beginning to be studied in a serious way.⁴ Religion, once put in its place, has not withered away like the Marxist state, as some secularists had expected. It has turned out to be amazingly resilient and at times disturbingly protean.

Religion and law are cultural features of all societies and their interaction almost always problematic, no matter how you define religion and law. Academic consideration of the relationship between religion and law has been limited by the available models used for consideration of these issues. Academic study of religion and law issues has been undertaken, generally, either within the paradigm of the history and philosophy of Western church-state relations or through the use of sociological secularization theory. Both these approaches have tended to use a single model for religion in the modern context: the voluntary association of people who are united by shared beliefs. Lawyers, as well, both legal scholars and practitioners, to the extent that they are interested in religion, often work within these outdated paradigms with little awareness of the assumptions they are making about religion or of modern scholarship in religious studies. Scholars of religion, meanwhile, have rarely been interested in law unless religious law is an explicit and central feature of the legal tradition they are studying. They tend to give insufficient attention to the legal framework in which all religion is necessarily constructed, and fail to take account of the effect that legal structures have had and continue to have on religious forms.

The articles here presented address structural issues in the modern relationship of religion and law in the United States.⁵ Each addresses the intersection of religion and law as it is displayed in a particular community in the United States. The American location of these

papers is intended to provide the example of an important historical case of religious disestablishment without suggesting that American constitutional structure and history exhausts the possibilities for understanding and living with disestablished religions in a secular society. All of the communities here presented have parallels in other countries. These pieces are intended, rather, to be an invitation to wider comparative scholarship in this area.

Elizabeth Dale's careful reconsideration of two seventeenth century law cases about religion from the Massachusetts Bay Colony illustrates the complexity of the relationship between religion and law already at work at the beginning of the modern period. A close look at a community struggling to found a new polity based in God's law, her article works as a cautionary tale for those contemporary legal scholars who would draw close and easy connections between Western law and its theological origins or justifications—who see theology as a solution to the positivist crisis in law. Even in a small and relatively homogeneous community the range of possible accommodations between religion and law and the conflict among them is instructive here as it is in Chiapis.

Susan Gooding's paper sees American law, and the American federal courts in particular, as a continuing location for cultural negotiation about the role of religion in the construction of Native American identities. Religious identification, as a self-conscious label for Indians, is seen here as having a fluctuating role in relation to the ongoing battles between Native Americans and the United States government. The rising, falling and blending of Christian and native traditions may be understood in counterpoint to the larger story of religion and American law.

My paper on the *Kiryas Joel* case displays the unacknowledged differences in theories of religion supporting various positions on the First Amendment in the federal courts. The judges themselves at the local trial court and appellate levels are shown to operate with different understandings of the nature of human religion and of its relationship to law while the Hasidic community of New York offers

not only competing theological understandings of the principles embodied in the First Amendment, but also a different and competing legal system. Accommodation of the needs of such separatist groups raises here, as it does in the Mexican situation, difficult and urgent questions of national identity and local freedom.

Lawrence Sullivan's paper on the Waco case reveals a huge gulf between scholars of religion and law enforcement in approaches to religion, in particular to the understanding of the motives and actions of persons participating in charismatically-led apocalyptic religious groups. There is at once a surreal and tragic inevitability to the collision which occurred between two radically different ways of understanding what religion is.

Each of these papers addresses a situation which is peculiarly the result of the legal disestablishment of religion as it has generally been understood in the modern West since the Reformation. This modern disestablishment—as I will call it—has turned out to mean more than the simple separation of the administration of church and state. An unintended by-product, it appears, of modern disestablishment, dependent as it is on a narrow and distinctively post-Reformation understanding of religion as appropriately limited to the voluntary association of like-minded individuals, can be seen in these papers to be a distortion in both academic and public representations of religion—a distortion which results from the displacement of religion.

Long before the drafting of the United States Constitution, the move across the Atlantic by European Christians can be understood as the beginning of what became and continues to be an ongoing effort at disestablishment of religion in the Americas—at the deprivileging of particular public theologies. This first American disestablishment, the actual physical move, supported by anabaptist interpretations of Pauline theology in North America and by counter-reformation mission theology in the South, was caused by the actual uprooting of national churches from their largely geographically organized parishes in Europe. They were set free to find a new form, divorced from “place,” in Jonathan Z. Smith's sense.⁶

This new freedom from place gave rise in the United States to new theological and political arguments as the English Puritans discussed in Dale's paper—and later Catholics and others—struggled to invent a new kind of society in a new land, a land unmarked by the sacralizing history and structures of the old. (It *was* strongly marked by soon destroyed sacralizing structures of existing indigenous traditions.) This new freedom gave rise to distinctly new religious forms. Sidney Mead describes the primary new form in the United States, American protestant denominationalism, as being characterized by a sectarian tendency leading to historylessness, the voluntary principle, the mission enterprise, revivalism, pietism and competition. He does not regard the new forms of the new place as altogether benign.⁷ These papers illustrate this process of displacement at various stages.

In terrible synchrony with the new European creation in America, was the holocaust which, along with murder and exile, explicitly "disestablished" Native American religions which are the subject of Gooding's article. The outlawing of Indian religion drove it underground for several hundred years. Eventually—in the 1970s—a new attention to religion arose in Indian communities and a new acknowledgment of Indian religious forms, religious forms which in creative ways responded to, and, in turn, influenced the religious forms of the larger American community.

The village of Kiryas Joel, discussed in my paper, contains the remnant of another violent and involuntary uprooting, an uprooting which destroyed one kind of establishment and gave shape to another form of disestablished American religion. The self-contained self-governing ghettos of Eastern Europe have become the parasitic fundamentalist enclaves of modern Western cities—paradoxically seeking to bind themselves with laws designed to liberate.

Finally, the Branch Davidians discussed in Lawrence Sullivan's paper offer an apocalyptic cry of anguish, an end-of-millennium lament, perhaps, for a loss of place. They seem to have been a community so restless for a home that it had to bring on itself its own final solution—forced perhaps by its unwillingness to conform its religion

to the expectations of the federal Bureau of Alcohol, Tobacco and Firearms.

The loss of place accompanying disestablishment and its effects on the shape of religion is an unsolved problem in modern religion, one which is peculiarly the result of an attempt to disestablish religion legally while at the same time to confine it to a very limited scope in peoples' lives. In each of the communities represented in these papers, religion as a free-floating phenomenon—re-imagined first in the American setting as a private voluntary association of people with similar beliefs—comes into contact with law newly conceived as secular and the results are unsettling. This displacement is emblematic of a larger global phenomenon in which religious diaspora have multiplied at a rapid rate.⁸ All nations now contain these fragments of former religious establishments.

The ongoing disestablishment of religion in America has profoundly affected the shape of American religion—all American religion not just the religion of these now marginalized communities. The modern legal disestablishment of religion has also profoundly affected discourse and action about religion in the public forum everywhere. The legal discourse of modern disestablishment has changed religion and the way it is understood in public conversation in the following, often unacknowledged, ways, ways that often contrast sharply with the way religion is understood by “traditionally” religious people and in academic discourse about religion.⁹

—Religion has been thrown into relief by disestablishment because religion is now seen as separate from other aspects of human culture. Religious people are seen as different from other people.¹⁰ Disestablishment raises the question of what religion is. The definition of religion is not raised when religion and culture, while distinct, are understood as interwoven. The questions then are about boundaries within a particular religious tradition. The Massachusetts Bay Colony stands at the intersection between these two worlds, at a point when the community's understanding of itself was moving from one based in religion to one based in law.

—When religion is disestablished religion is explicitly defined by and occupies a space bounded by secular law. In “traditional” religion, religion and law interact constantly, although they are not always in harmony. The contrast between the relationship of religion and law for the Hasids of Kiryas Joel and for the justices of the Supreme Court highlights this effect. The religious adherents of Kiryas Joel struggle to resist the Supreme Court’s legal definition of their community.

—Religion now defends itself in opposition to secularism. “Established” or “traditional” religion is usually defended by an authority with at least quasi-governmental status which operates as a location for struggles over definition and in which true religion is understood in opposition to heresy or magic. There was tremendous support across the American religious spectrum for the Kiryas Joel community in the Supreme Court because religion itself was perceived to be under attack.

—When religion is disestablished all religions are to be evaluated equally so that critical judgment about religion becomes difficult. Distinctions among religions are not permitted. For the law enforcement officials at Waco, Koresh was a criminal so he could not be religious. To think otherwise would have been to threaten their own religion.

—Because of the removal of religion as a subject of universal education and of public conversation generally, disestablishment seems to have led to widespread ignorance about religion, both one’s own and other peoples’. When religion is established it is permissible to educate people in religion and their common education makes critical conversation possible. For all the differences Dale wishes to emphasize, the divines of Massachusetts Bay, unlike the law enforcement officials of Waco, were engaged in an informed and educated disagreement about biblical authority.

—Disestablishment has resulted in a privatization and individualization of religion. Established religion allows room for a dynamic interplay between the individual and the group in defining religion. The dissenting Indians of San Juan Chamula and the dissenting Hasids

of Kiryas Joel are being forced to choose between their individual and communal identities because of secular law.

—Disestablished religion is defined as a source of morality and virtue so that people do not see religion as compromised and as a potential source of danger once it is disestablished. In “traditional” religion, because religion is established it is seen to encompass the full range of human possibility and it can be understood to encompass a moral spectrum. Disestablished religion is often functionally defined in a secular society as a political tool for teaching morality. It has been domesticated.

—Religion is defined as faith or conscience rather than as action. Established religion tends to be about the whole person, body and soul. The religiousness of people comes into conflict with law in the modern world because they want to *do* religious things. It makes it simpler for secular law if religion is defined as freedom of conscience.

—Disestablishment of religion has resulted in the reification of religions. The demand of law for facts on which to operate tends to produce caricatures of religious life drawn to the specifications of the religious experience of the judge or lawyer in question.

I do not argue here for the re-establishment of religion. That is, in any case, impossible. Another kind of disestablishment is necessary, however. A serious distortion of the public space and of public discourse has resulted from insufficient attention to the effects of the legal disestablishment of religion, a distortion which needs scholarly attention. Further, I would argue that this distortion is a part of a specific history, a history that begins with the Reformation. Around the world legal disestablishment of religion is built on a largely post-Reformation model of religion as being individual, internal, moralistic and private. Meanwhile, in religious studies, religion is more and more coming to be understood as an extremely complex mix of myth and ritual and as remarkably various: closely bound up with culture and social structures, a resource for group identity as well as individual choice, intimately tied to notions of the body and of activity in the world, deeply compromised by violence and venality, and inevitably public, inseparable from the rest of human activity.

If it is understood that secularization cannot be the goal because disestablishment as it is presently understood is impossible and re-sacralization cannot be the goal because it results in establishment and is unjust, perhaps a way can be found to acknowledge human religion as a diverse, complex and constantly changing phenomenon, one which has an uneasy relationship to law and its demands for clear boundaries and categories.

The essays in this volume of *Numen* are intended to be a contribution to an ongoing conversation about religion and law that draws together different academic disciplines including anthropology, sociology, religious studies, history, and law. In the long run this conversation, like all important academic conversations today, needs to be comparative in method and global in perspective. It is hoped that these papers may provide an impetus for increased attention to the interaction of religion and law on the part of scholars of religion

Washington and Lee University
Department of Religion
Lexington, VA 24450, USA

WINNIFRED FALLERS SULLIVAN

¹ George A. Collier with Elizabeth Lowery Quaratiello, *Basta!: Land and the Zapatista Rebellion in Chiapas* (Oakland: Institute for Food and Development Policy, 1994), and conversations of the author while in Chiapas in August, 1995.

² The First Amendment to the United States Constitution provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

³ It is perhaps not appropriate to limit the phenomenon which I discuss here—legal disestablishment of religion and its effects—entirely to modernity. There are interesting parallels in other historical time periods and other places, although in each case, pluralism was an occasion for more or less tolerance, not of complete disestablishment. The ancient Romans, for example, and later the Ottoman Empire, dealt with situations of religious pluralism through explicit legal definitions of the meaning of religion, giving rise to some of the same effects on religion as are noted in this paper. In Southeast Asia religious pluralism was a fact from the beginning of human navigation as it found itself a crossroads for emissaries from many religious

centers. Yet the modern situation can be distinguished, I think, by its insistence on moving toward a complete disestablishment of religion.

⁴ A notable exception is Sidney E. Mead, *The Lively Experiment: The Shaping of Christianity in America* (New York: Harper & Row, 1963). See also, Robert Wuthnow, *The Restructuring of American Religion* (Princeton: Princeton University Press, 1988); N.J. Demerath, III and Rhys H. Williams, *A Bridging of Faiths: Religion and Politics in a New England City* (Princeton: Princeton University Press, 1992); and Winnifred Fallers Sullivan, *Paying the Words Extra: Religious Discourse in the Supreme Court of the United States* (Cambridge: Harvard University Center for the Study of World Religions, 1994).

With respect to religion and law in India see, for example, Marc Galanter, *Law and Society in Modern India* (Delhi: Oxford University Press, 1989) and Gerald James Larson, *India's Agony Over Religion*: (New York: State University of New York Press, 1995).

⁵ Each of these articles was presented orally initially at the Annual Meeting of the American Academy of Religion in Chicago, 20 November 1994.

⁶ Smith, *To Take Place: Toward Theory in Ritual* (Chicago: University of Chicago Press, 1987). See also, Tod D. Swanson, "To Prepare a Place: Johannine Christianity and the Collapse of Ethnic Territory," in *Journal of the American Academy of Religion*, vol. LXII/2 (Summer 1994). Swanson suggests that this deracination occurred at a much earlier point in Christian history, with the missions to the gentiles. He too, though, is troubled by the effect of a loss of place on religion, particularly its pernicious effect on missionized peoples.

⁷ *The Lively Experiment*, pp. 103-133.

⁸ These new diaspora do not take root in the ways earlier diaspora did because of disestablishment.

⁹ One of the reasons for this disparity is because academic discourse about religion is regarded by many as being about pre-modern people, whether they existed in earlier centuries or are still around today. Modern people are understood to have successfully compartmentalized their religious life. Scholars, even scholars of religion, thus work with the same kind of double standard as Voltaire. Traditional religion is appropriate for women and slaves. Male intellectuals have evolved beyond those needs and are capable of an intellectualized faith.

¹⁰ This can be very destructive of civil society. See my review of Stephen Carter, *The Culture of Disbelief*: "Diss-ing Religion: Is Religion Trivialized in American Public Discourse?" in *The Journal of Religion*, vol. 75 (January 1995), pp. 69-79.

CONFLICTS OF LAW:
RECONSIDERING THE INFLUENCE OF RELIGION ON LAW
IN MASSACHUSETTS BAY

ELIZABETH DALE

Summary

The idea that there were different points of view in seventeenth century Massachusetts Bay is not a new one. Several recent studies have undermined Perry Miller's monolithic "Puritan Mind"—demonstrating there were many strands of thought even among the nominally orthodox, and suggesting that we think of the settlers in New England as members of a movement with many ideas, rather than holders of a single point of view.

While the idea that there were divisions within the category of Puritan is not a new one, the extent to which that ideological pluralism had a practical impact on the Bay colony's institutions, from its families to its governing system, has not yet been explored. This paper is a preliminary effort to demonstrate how ideological pluralism led to different conceptions of law, and had a practical effect on the legal system developed in the first generation of settlement in Massachusetts Bay.

Fifty years ago, Perry Miller famously introduced his study of the people who settled Massachusetts Bay in the early seventeenth century by noting that for his purposes it was "a matter of complete indifference or chance that a quotation comes from Cotton instead of Hooker, Winthrop instead of Willard; all [those] writers were in substantial agreement. . ."¹ Miller's conceit that early seventeenth century puritans were fungible narrowed his understanding of their complex, and often contradictory ideologies. While his interpretation has been debunked by more recent histories of puritan doctrine, it lingers on in the social histories which study institutions such as law in Massachusetts Bay. Those studies continue to assert a monolithic "Puritan mind" that shaped a legal system which was predominantly moralistic in purpose.² As one study put it the "function of law was to provide moral instruction. . ."³

This article—which is part of my larger study of law in the first decades of settlement in Massachusetts Bay—denies that a common religious ideology led to a moralistic law in Massachusetts Bay or even that people in Massachusetts Bay agreed about the function or use of the law.⁴ My focus is on two cases and the discussions they generated. The first involved a magistrate, the second a minister. The trials were unrelated and occurred in different years. But the discussions they generated bore a resemblance to each other. By examining those discussions closely, we can begin to see the ideological differences and how they led to conflicting views of law and its purpose.

The first case arose in Salem in 1634, after someone took a sword and cut out part of the cross at the center of the town militia flag. Although no one initially knew who did it, it was clear why the deed was done—the sign of the cross in the middle of the flag called to mind the pope (who had allegedly given the cross to the king of England as a sign), and the problem of idolatry in general.⁵ As John Winthrop, the governor of the colony at the time put it, the cross was “a superstitious thing and a relic of the antichrist.”⁶

It soon became apparent that John Endecott, a magistrate and former governor of the colony, had defaced the flag. After a series of debates involving both political and religious leaders, the colony’s combined legislative and judicial body, the General Court, appointed a committee to consider the case. The committee concluded that Endecott acted “without discretion, taking upon himself more authority than he had, and not seeking the advise of the court.”⁷ While that suggested his offense was judging where he had no right to do so, the commission’s second conclusion suggested, on the contrary, that the problem with his action was it was “uncharitable.” When he judged the presence of the cross to be a sin, he “did content himself to have it reformed in Salem, not taking care that [other towns] be brought out of sin.”⁸

The commission’s third conclusion did little to reconcile these apparently contradictory points. It declared Endecott guilty of “laying

blemish . . . upon the magistrates,” by suggesting “they would suffer idolatry.” The scattershot nature of these conclusions was reflected by the punishment imposed. Endecott was reprimanded and forbidden to act as a magistrate for a year, but at the same time, all the militia flags were changed so that none had crosses on them.⁹

The confusion this case generated suggested several areas of disagreement. Contemporaneous efforts to interpret the case reveal some of the differences which caused that disagreement.

One point of view was offered by Thomas Hooker, a colonial minister. He argued that there was no reason to remove the cross from the flag. In the first place, he denied that the cross need mean the same thing in Massachusetts Bay in the seventeenth century, as it had meant in Catholic Europe in the fourth. Thus, while admitting the Emperor Constantine and his followers had attributed godlike powers to the cross in their flag, Hooker denied that anyone in the Bay colony could or would see the cross in a similarly idolatrous light. As he put it, “[t]his superstitious use [of the cross] . . . was superadded, so it may again be removed from the natural or civil use hereof[,] being only a separable adjunct.”¹⁰ For that reason, the cross should not be removed.

Examining that judgment reveals several of the assumptions underlying Hooker’s particular ideological perspective. One assumption was that scriptural commands did not apply at all times, or all places. Rather, some commands applied to particular people, but not to others. Other commands applied only in particular places. As Hooker put it in one sermon, the commands of the Old Testament did not automatically bind everyone who came after Christ.¹¹

At one level, this reflected Hooker’s particular sense of history and his belief that even matters of religion should be judged in their specific historical contexts.¹² At another, it rested on assumptions about the meaning of signs, or, to be more accurate, on Hooker’s recognition that signs might have multiple meanings, which human reason could negotiate. Hooker accused those who did believe that the cross retained idolatrous meaning of making errors in judgment, implying as he did so that proper judgment was both necessary and

possible. In support of his argument, he noted that people made similar distinctions in other circumstances, as when they failed to attribute heretical meaning to churches, coins having crosses on them, or other religious symbols.¹³

His position on the flag was consistent with arguments Hooker made in other contexts.¹⁴ His understanding that signs had more than one possible meaning was also reflected in his use of metaphor, as, for example, when he used the image of gold in his sermon on the *Carnal Hypocrite* as both a symbol and an object, attributing different meanings to its different guises.¹⁵

While in each of these cases, Hooker assumed individuals were capable of separating signs from their possible meanings, and were able to evaluate them accordingly, he did not assume that all possessed this skill equally. For Hooker, only those who were saved could understand when and how scripture should be applied to govern contemporary life. As he put it in a sermon on Romans, the carnal men were unable and unwilling to understand the will of God, even as expressed in those laws which God had written into the human soul. They relied instead on failed human reason in its place.¹⁶

While Hooker's response to the flag incident reflected the belief that salvation brought with it particular capacities for reasoned analysis of signs, his assertion that the scriptural prohibitions on idols did not apply to the Salem flag implied something else as well. It suggested he felt human judges had the discretion to determine whether a scriptural command was binding, or not. That he meant this is reinforced by a point he made in another sermon.¹⁷ There Hooker denied that the laws of the Old Testament automatically bound those who lived after Christ, implying that human reason was able to decide when, and to what extent, scriptural laws applied.

That capacity itself reflected proper, as opposed to carnal, use of reason, and it was the capacity which enabled the saved to determine what things were forbidden by God's law and what things were not. These two capacities, taken together, added up to discretion, which Hooker defined as "the fitting of occurrences for the purpose of performance of any act."¹⁸ "Fitting" meant that an act had to be "lawful

to be done, [and] the means holy used.”¹⁹ It also meant that the determination of what was lawful and holy had to be known to the actor and consistent with his or her status.²⁰

This emphasis on status points to a seeming inconsistency in Hooker’s position in the flag case. Endecott was, after all, a magistrate and a sincere Christian. Given Hooker’s emphasis on status and Christian understanding, one might reasonably assume that Hooker would conclude that Endecott had the authority to judge the propriety of having the cross in the flag, and the power to act upon that judgment.

That was not, however, the position Hooker took. He opposed Endecott’s act for a third reason, which he articulated in other contexts. In a sermon given in 1626 on the anniversary of the Gunpowder Plot, Hooker noted that the king was “anointed of the Lord.”²¹ That meant that because the king was chosen by God, it was not only a crime, it was a sin to kill or otherwise act against a king.²² These passages demonstrate that Hooker felt rulers were entitled to special respect as God’s agents on earth, and that he probably also opposed the attack on the flag as a challenge to the authority of the king, whose symbol the flag was.

There is, to be sure, some evidence that Hooker did not always favor deference to the king. While Hooker’s argument in that 1626 sermon suggested that he felt James I was chosen by God, his remarks in a sermon given in 1630 made it clear his feelings for Charles I were less positive. There, he described the punishment God would surely wreak on England for her sins, and noted “[s]ome might object that kings or monarchs are exempted from fear that God will torment them.”²³ But, Hooker went on, kings “are not exempt.”²⁴ Indeed, they could not be. Ultimately, they were subject to God’s will because God was king of the whole world.²⁵

In the end, those two sermons can be reconciled by reading the 1630 sermon as resting on the assumption that it was up to God, not humanity, to punish those kings who failed. It was not, therefore, for Christians to refuse to obey a bad king or to dishonor his flag.²⁶ Here, Hooker drew a distinction between the civil and the religious

realm and the result of that distinction was to ban challenges to the duly appointed ruler.²⁷

Thus, Hooker's rejection of Endecott's attack on the flag revealed several aspects of his particular religious ideology. In part, it reflected his rejection of the idea that scriptural commands were laws which unquestionably bound humanity. That conviction, in turn, rested on his vision of human nature, and his belief that properly instructed (i.e., Christian) understanding was capable of determining where and when scripture applied. But at the same time, his view of human understanding was limited, and in the flag case trumped, by Hooker's assumption that God's authority to chose and punish rulers be deferred to.

John Cotton, another minister in Massachusetts Bay, agreed with Hooker that God's authority had to be deferred to. But while Cotton agreed with Hooker on that principle, he disagreed on how that deference should be manifested, and what that meant in the flag case. In contrast to Hooker, John Cotton believed that the cross should be removed from the flag.²⁸ For Cotton, the problem was that the presence of the cross in the flag violated the biblical injunctions which forbade any use of idols, and so undermined God's authority.

Because we have no clear statements of Cotton's position, we have to reconstruct his point of view.²⁹ Assuming that his argument in the flag case was consistent with his other writings, Cotton's concern was that humans lacked the capacity and the authority to interpret the laws laid down in scripture.³⁰ That meant that he did not believe that they could ignore scriptural commands for any reason.

Cotton made his clearest statement of this view in his *Exposition Upon the Thirteenth Chapter of the Revelation*, where he accused the Roman Catholic church of assuming the power to "dispense with scripture," make laws which replaced the laws of God, and overthrow the civil authority at will. According to Cotton, that church became the beast of Revelation when it took this course, because in so doing it claimed the authority to understand and set itself above God.³¹

In Cotton's view, the Roman Catholic Church usurped God's power by exalting human understanding. That led the church to substitute

its own views of what was correct for those set out in scripture.³² Significantly, in light of Cotton's rejection of human understanding, his chief objection to the church's assertion of that power was that it meant the church denied that its interpretation might err.³³

This failing was not unique to the Catholic Church. Rather, it was one that it shared with many individual Christians (including, it seems, Thomas Hooker). As Cotton noted in the *Exposition*, the nature of the Catholic Church in its role as the beast, "serve[d] to teach us the danger of allowing to any mortal man an inordinate measure of power to speak great things, to allow to any man uncontrollableness of speech."³⁴ The claim to speak with authority rested on a claimed capacity to understand God, one which was completely inconsistent with the limits of human understanding.

The Church's claimed capacity to understand scripture and God's will was not its only failing. Equally offensive was its assertion that it had the authority to make laws replacing the laws of God. In the *Exposition*, Cotton made it clear that this rested on the Church's arrogant belief that it could understand God's will and definitively interpret scripture. For Cotton, such claims were both beyond the capacity of the church and of individuals. As he noted in other contexts, even saints could never understand any laws of God, or assert the right to rule by virtue of their sainthood until resurrection. When that resurrection—described in the twentieth chapter of Revelations—occurred, the saints would rule with Christ for a thousand years. Then and only then would the saints' understanding of God be increased so that they could administer spiritual ordinances and censures with confidence.³⁵ And just to make sure that everyone was clear on this point, Cotton asserted that resurrection had not arrived.³⁶

His conclusion—that even godly magistrates would be unable to apply God's law perfectly—was consistent with his repeated assertion that even the saints were capable of sin, precisely because they were unable to understand and comply with the laws of God.³⁷ This distrust of human understanding meant Cotton believed the cross had to be removed from the flag. Because people could never be sure they understood God's will, they had to follow the most obvious statements

of that will, which were found in scripture, and hope that they acted properly. So long as scripture appeared to prohibit idolatrous use of the cross, people certainly could neither place nor keep a cross in the flag. Doing so was comparable to the Roman Catholic Church's assertion that it could decide what the law was, and when it applied.

As this suggests, Cotton rejected Hooker's trust in human reason, and his belief in the historical contingency of scripture. Cotton also disagreed with Hooker about the ultimate outcome in the cross case. In contrast to Hooker, Cotton tried to maintain God's authority by limiting human authority to interpret scripture.

However, by taking the position that human limitations meant while people could never interpret scripture accurately, they still had to apply the laws set down by God in scripture, Cotton boxed himself into a position that created human authority even as it denied it. For, in the end, in order to maintain divine authority, Cotton had to give the power to judge and apply scriptural commands to human judges. He also had to pretend that those commands were clear.

In this, Cotton's position became very much like that of John Winthrop. Winthrop also apparently believed the cross should be removed from the flag.³⁸ Like Cotton, Winthrop grounded that conclusion on scriptural prohibitions. But while Winthrop's conclusion resembled Cotton's, it rested on a very different assumption. Where Cotton distrusted human reason, and sought to maintain the authority of God by limiting human authority, Winthrop, like Hooker, relied on human reason to determine his position in the flag case.³⁹ Since scripture clearly prohibited idolatry, in Winthrop's view items of an idolatrous nature—such as the cross in the flag—were wrong.

Thus, Winthrop relied on human understanding to reach a position exactly opposed to Hooker's. The difference lay in their different understanding of the applicability of scripture. Hooker believed that human understanding could determine whether a particular scriptural provision was appropriate in a particular point in time, and used that belief to conclude that the cross need not be removed from the flag. Winthrop rejected that historically contingent perspective, asserting

instead a transhistorical sense of scripture as a law which bound all people for all time.

Those different takes on the flag incident rested on ideological differences, disagreements about what the source of law was and who could determine what it meant. The trial of John Wheelwright, a minister, for sedition in 1637 raised these issues again, adding some new twists.⁴⁰ Wheelwright was convicted, but his sentencing was put off in an effort to calm things down. During the period between his conviction and sentencing, Wheelwright's supporters filed petitions with the magistrates, seeking to have his conviction overturned.

One petition provides an idea of the arguments made on his behalf.⁴¹ Initially, it appears to be a legalistic appeal to reason. It rested on five arguments and of those, the first two were what a modern day lawyer would consider typical legal arguments. The first was that Wheelwright's sermon was not seditious because he sought precisely the same thing as the magistrates—peace in the churches. The second was the related argument that his sermon could not have been seditious because no one took a seditious act as a result of hearing it. Wheelwright, so these arguments went, neither intended to challenge authority nor inspired such a challenge; as a matter of law, he could not, therefore, be guilty of sedition.⁴² While this appears to be a simple legal argument, the precedents the Petition cited in support of the argument were all based on scripture.

Thus these first two arguments suggested that human understanding was able to reliably interpret scripture—if the judges simply thought carefully they would reach the correct conclusion, and acquit Wheelwright. In this respect, these arguments resemble those associated with Winthrop and Hooker in the flag case, at least insofar as they suggest that judges had a particular capacity to interpret scripture and judge.⁴³ However, like Winthrop and in contrast to Hooker, the argument apparently assumed that scripture always applied as law. Certainly, the Petition contained no discussion of whether the scriptural precedent was properly applied in that particular moment in history.

While those first two arguments relied on scripture and a faith in the capacity of human understanding, subsequent arguments made it clear that the anonymous authors of the Petition intended no such thing. The third argument—that the judges should “remember that old method of Satan” to stir up hostility to the prophets—began the Petition’s assault on the authority of human understanding. There, the suggestion that Wheelwright’s judges resembled those who wrongly judged Elijah, Amos, Christ and Paul, undermined the authority of reason by asserting it could sometimes be distorted by Satan.⁴⁴

This argument might be interpreted as a suggestion that historical context governed the applicability of scriptural precedent, though that interpretation seems inconsistent with the assertion that the judges could not judge Wheelwright because their capacity to do so might be clouded. Such an interpretation would also be inconsistent with the fact that the argument itself rested on scriptural precedent. Instead, it seems to be an attack on judicial discretion on the grounds that judicial judgment might be mistaken.

If the third argument was an attack on judicial discretion on the grounds that judges might be fallible, the fourth went further, claiming that Wheelwright could never be judged because those who did so judged Christ, whose servant Wheelwright was. Here, the argument did not rest on the possibility that the judges *might* be incompetent to judge Wheelwright; rather, it rested on the assertion that they *were* incompetent to judge him, since they could never be competent to judge God.⁴⁵

It is important to step back for a second and consider the moves the anonymous authors of the Petition made to reach this point. The initial argument was a legalistic appeal to scriptural precedent, assuming that human understanding was capable of determining the commands of scripture. Having made that point, the Petition began to undermine it almost immediately, asserting that Satanic interference made human understanding unreliable at times. And then, having suggested that human understanding might be unreliable, the Petition made the stronger claim that it was never reliable when called on to judge servants of God. By the end of its fourth argument, the Petition

completely supplanted judicial authority and human understanding. In this respect, the fourth argument resembled Cotton's position that human reason could never reliably interpret scripture. But while this argument resembled Cotton's, it actually went farther than Cotton. Where he tried to preserve the authority of scripture, the Petition undermined that authority, as if by accident, by attacking judges for attempting to interpret it as law.

The fifth, and final argument, initially seemed to be a step back to arguments based on reason. That argument began as an appeal to the judges as the "nursing fathers" of the community. Here, the "argument" appeared as an appeal for protection, and one which assumed that special understanding would lead judges to protect the community.

But while this seems to restore both judicial authority and human understanding, it did not end that way. After appealing to judges, as nursing fathers, to protect the community, the petition ended:

"And thus we have made known our griefs and desires to your worships, and leave them upon record with the Lord and with you, knowing that if we should receive repulse with you, with the Lord we shall find grace."⁴⁶

Here, at the end, the Petition denied judicial authority, explicitly asserting that God, rather than any human, was the ultimate judge.

The Petition, then, denied the authority of scripture to act as law, and the authority of humans to act as judges. The colonial ministry drafted a response to this Petition, known as the Apology.⁴⁷ It concerned itself almost exclusively with the claim that Wheelwright was improperly charged with—and convicted of—sedition and contempt. It rested on the idea that human understanding was both capable and authorized to judge God's will, and was, therefore, as much an effort to restore authority to scripture as it was to restore the authority of human reason.

The Apology made its points in two ways. First, responding to the specific claim that Wheelwright had neither intended sedition nor incited others to engage in it, the Apology argued that he had indeed done both. Taking his definition of sedition from a variety of secular

sources the anonymous author of the Apology asserted that sedition was not simply a challenge to authority, rather it occurred whenever people were riled up to oppose others.⁴⁸

The Apology began with an appeal to civil and secular authority for its definition of sedition, but was quick to demonstrate that these interpretations were consistent with scripture as well. As an example of sedition, the author cited the incident in Acts when Demetrius denounced the apostles for attacking the goddess Diana, causing the people to rise up against Paul. This, the Apology argued, was sedition since it led one group in a society to oppose another.⁴⁹ Likewise, it was sedition when Korah spoke out against Moses and Aaron, arguing that they put themselves above the rest of the people in the congregation. There, once again, sedition occurred because Korah incited a split in the community.⁵⁰

The Apology's argument was organized so that scriptural passages confirmed what legal authority suggested—sedition occurred when discord was produced amongst a people. The Apology's reliance on secular and scriptural precedent suggests an appeal to natural law. But just as the Petition began with a legalistic argument and then changed ground, the focus of the Apology shifted quickly, and so did its ground of authority.

The author of the Apology moved from a definition of sedition based on a combination of secular and scriptural sources, to a discussion of whether Wheelwright properly could be judged at all. Doing so, he rejected the argument that the magistrates erred in judging Wheelwright because he spoke as a messenger of God. On the contrary, the Apology argued that scripture demonstrated there were two instances when a messenger of God should be reprov'd for speaking: one occurred when the messenger spoke evil rather than truth, and the other when the messenger spoke truth at the wrong time.⁵¹

It was, the Apology suggested, the second problem which arose in Wheelwright's case.⁵² Wheelwright, like all other servants of God, had an obligation to act seasonably, "for," as the Apology put it, "if there be such a point in wisdom as men call discretion, religion (which makes truly wise) does not deprive the servants of God of the

right use thereof.”⁵³ When he neglected to use his discretion to keep from making scriptural arguments that he knew would cause dissent, Wheelwright had failed to act wisely.

Here, the Apology ignored the claims of civil law entirely, and regrounded the argument about Wheelwright in biblical precedent alone, in order to reprimand Wheelwright for using scripture thoughtlessly. This was an argument that scriptural precedents could not be used at any time, but had to be used when circumstances called for them, an argument which resembles the historically contingent theory of scriptural precedent Hooker set out in his discussion of the cross in the flag. Christians were obliged to make proper judgments, and the essence of discretion was that the force of a particular precedent depended on circumstance.

In response to the somewhat obscured antinomianism of the Petition, the Apology reasserted the authority of scripture. But it did not give scripture the authority that Cotton or Winthrop had given it in the Endecott case. For while they both asserted (although for different reasons) that scripture had to be literally followed without question, the Apology asserted that people had to decide how to follow scripture, and could be punished for failing to make the right choice.

The Petition was denied, and Wheelwright banished from the community. Sometime after this occurred, another document was prepared defending the decision to deny the Petition. This Statement differed vastly from the arguments in the preceding documents. Where they rested on religious arguments and sources, it made only the slightest bow in the direction of religion, and that nearly two thirds of the way through the four page document. Then the author asserted that each person in the colony “gives an implicit consent to whatever the major part shall establish, not being against religion or the weal public. . .”⁵⁴ While this suggests that the acts of the government had to be measured against the demands of religion, the document contained no effort to engage in that sort of measurement.

Instead, its arguments were completely inconsistent with such a measurement. It ground its defense of the government’s decision vis

a vis the Petition on the need for general order, the precedential effect of past acts, and the obligations imposed on the people as a result of their consent to live in the colony. Order, this argument urged, was a necessary aspect of any society. Reliance on past acts provided the means of maintaining order, since people could determine what had been done in the past and decide what to do in the future. These past acts also established what obligations existed.

The Statement was concerned with defining the society in which the petitioners, respondents, Wheelwright and the judges all found themselves. The remarkable thing was that it did so without reliance on scripture. While the Petition, initially, and the Apology, to a greater extent, used scripture as the precedent by which society and Wheelwright had to be judged, the Statement did nothing of the sort. After paying lip service to scripture, it set up an alternative system where past practice, or custom, acted as precedent. Just as the Petition had ultimately supplanted the authority of scripture, the Statement was a radical departure because of its view of a world where human conduct took precedence over the commands of God.

Four years after Wheelwright's case, in 1641, Thomas Lechford, lawyer and former resident of Massachusetts Bay, denounced that colony's legal system for its rejection of English law: "I fear," he wrote, "it is not a little degree of pride and dangerous improvidence to slight all former laws of the church or state, cases of experience and precedents, to go hammer out now according to several exigences upon pretense that the word of God is sufficient to rule us."⁵⁵ He admitted that the word of God could be "sufficient, if well understood." But he denied the possibility that such understanding might occur, urging the colonists to "take heed . . . , despise not learning, nor the worthy lawyers of either gown, lest you repent too late."⁵⁶

Lechford's comments are typically understood as the lament of a lawyer in a society which did not respect the law he had been trained to apply.⁵⁷ As this article has suggested, they reflected more than mere pique. They point to the problems raised by the cases considered in this article: conflicts over whether it was possible to understand or

build a legal system on scripture; confusion over precedent and its sources; disagreement about human nature itself and the significance of its limitations. To return to Perry Miller, it mattered very much whether a reaction to a case was being made by John Winthrop or Thomas Hooker. While their comments may have sounded similar, they not only found themselves on opposite sides of issues, they reached their conclusions for different reasons. So long as those disagreements continued to exist, the result of these multiple ideologies was a fluid, rather than a static, legal system in Massachusetts Bay which could do little to implement a single moral vision.

Clemson University
Department of History
Clemson, SC 29631, USA

ELIZABETH DALE

¹ Perry Miller, *The New England Mind: The Seventeenth Century* (1939), ix.

² As several recent studies have argued. Philip Gura, *A Glimpse of Sion's Glory* (1983); Stephen Foster, *The Long Argument* (1991). He relied on Patrick Collinson, *The Elizabethan Puritan Movement* (1967). For an even more recent study making essentially this point, see Janice Knight, *Orthodoxies in Massachusetts: Re-Reading Puritanism* (1994).

³ Edgar McMannus, *Law and Liberty in Early New England: Criminal Justice and Due Process* (1993), p. 38. For similar arguments, see Peter Charles Hoffer, *Law and People in Colonial America* (1992), pp. 16-17; David Thomas Konig, *Law and Society in Puritan Massachusetts: Essex County, 1629-1692* (1979), pp. 16-17; George M. Haskins, *Law and Authority in Early Massachusetts: A Study in Tradition and Design* (1960), esp. ch. 8-9.

⁴ Elizabeth Dale, "Debating—and Creating—Authority: A Legal History of the Trial of Anne Hutchinson, 1667" (Ph.D. dissertation, University of Chicago, June 1995).

⁵ There were three forms of biblical prohibition against using the cross: general Deuteronomic teachings against idols, the specific commands of the Second Commandment, and the examples supplied by stories in scripture.

⁶ John Winthrop, *Winthrop's Journal, or A History of New England from 1630 to 1649*, Ed. James Kendall Hosmer, vol. 1 (1853), p. 137. The flag incident is discussed in detail in Francis J. Bremer, "Endecott and the Red Cross: Puritan Iconoclasm in the New World," *Journal of American Studies* (Great Britain) 24 (1990), p. 1. Bremer also argues that the flag incident exposed divisions within

Massachusetts Bay, but his focus is not on the legal significance of the debates over the flag. We also disagree in some respects about how people responded to the incident.

⁷ Winthrop, *Journal*, pp. 140-141, 147, 150-151.

⁸ *Ibid.*, p. 151.

⁹ *Ibid.*, pp. 150-151.

¹⁰ Thomas Hooker, "Touching the Cross in the Banner" (n.d.), in: *Publications of the Massachusetts Historical Society*, vol. 24 (1909), p. 275.

¹¹ Thomas Hooker, *Covenant of Grace Opened* (1649), pp. 9, 10-11.

¹² Hooker, "Touching the Cross," p. 275.

¹³ *Ibid.*, p. 276

¹⁴ E.g., Hooker, *Covenant of Grace Opened*, pp. 5-9 (arguing that the sacraments had a double significance), pp. 13-14 (noting that the covenant was different for Jews and Christians).

¹⁵ Thomas Hooker, *The Carnal Hypocrite*, in: *Thomas Hooker: Writings in England and Holland, 1626-1633*, eds. George Williams, Norman Pettit, Winfried Heigert, Sargent Bush Jr. (1975), p. 97.

¹⁶ Thomas Hooker, *The Carnal Man's Condition* (1645), pp. 93, 120-124, 129.

¹⁷ *Ibid.*, p. 9.

¹⁸ See Hooker's reflections on discretion, set out in "Miscellanea," transcribed in Andrew T. Denholm, *Thomas Hooker: 1586-1647* (Ph.D. dissertation, Hartford Seminary, 1961), p. 372.

¹⁹ *Ibid.*, p. 373.

²⁰ *Ibid.*

²¹ Thomas Hooker, *Church's Deliverance* (1626), in: *Thomas Hooker: Writings in England and Holland, 1626-1633*, p. 69.

²² *Ibid.*, pp. 69, 78.

²³ Thomas Hooker, *Danger of Desertion*, in: *Thomas Hooker: Writings in England and Holland, 1626-1633*, p. 243.

²⁴ *Ibid.*

²⁵ *Ibid.*, p. 248.

²⁶ *Ibid.*, pp. 243, 244-245.

²⁷ Cf. Martin Luther, "Admonition to the Peace: A Reply to the Twelve Articles of the Peasants in Swabia," in: *Luther: Selected Political Writings*, ed. J. M. Porter, trans. Charles M. Jones and Robert C. Schultz (1974), pp. 74-75. See generally the discussions in P.D.L. Davis, "Moses and the Magistrates: A Study in the Rise of Protestant Legalism," *Journal of Ecclesiastical History* 26 (April 1975), p. 149; Noel Henning Mayfield, *Puritans and Regicides: Presbyterian and Independent Differences over the Trial and Execution of Charles (I) Stuart* (1988).

²⁸ Bremer, p. 17.

²⁹ There is a summary of an anonymous argument offered in opposition to the cross in the Harleian Manuscripts. "The Ensign at Salem," Harleian Manuscript no 4888, folio 86, reprinted in *Proceedings of the Massachusetts Historical Society*, vol. 42 (1909), p. 268. Bremer suggests that this argument reflected Cotton's point of view. Bremer, p. 17. While that may be true, I prefer to derive an understanding of Cotton's position from other sources which he clearly wrote.

³⁰ John Cotton, *The Keys of the Kingdom of Heaven* (London, 1644), in: *Cotton and Churches of New England*, ed. Larzer Ziff (1968), pp. 114-115, 152-155; John Cotton, *Covenant of God's Free Grace* (1644), pp. 8-9.

³¹ John Cotton, *An Exposition on the Thirteenth Chapter of Revelations* (London, 1655), pp. 23, 49-59.

³² *Ibid.*, pp. 49-53.

³³ *Ibid.*, p. 65.

³⁴ *Ibid.*, p. 71.

³⁵ John Cotton, *The Churches Resurrection or the Opening of the Fifth and Sixth Verses of the 20th Chapter of the Revelation* (1644), pp. 10-11.

³⁶ *Ibid.*, pp. 18-20.

³⁷ E.g., Cotton, *Covenant of God's Free Grace*, p. 13.

³⁸ Winthrop, *Journal*, 1: 137.

³⁹ John Winthrop, "Arbitrary Government," *Life and Letters of John Winthrop*, ed. Robert C. Winthrop, vol. 2 (1869), p. 446.

⁴⁰ For the record of Wheelwright's conviction for contempt and sedition, see the Records of the General Court of Massachusetts Bay, in *Massachusetts Colonial Records*, vol. 1, p. 189.

⁴¹ "A Petition re Wheelwright, 1637," in: *The Hutchinson Papers*, collected by Thomas Hutchinson, reprinted in *Publications of the Prince Society*, vol. 1 (1865), p. 72.

⁴² *Ibid.*, pp. 72-73.

⁴³ This resemblance is quite ironic, since both Winthrop and Hooker were opposed to Wheelwright, and favored his conviction.

⁴⁴ "Petition," p. 73.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, p. 74.

⁴⁷ A Brief Apology in Defense of the General Proceedings of the Court, holden in Boston the ninth day of the first month, 1636. . . ." in: David D. Hall (ed.), *The Antinomian Controversy, 1636-1638: A Documentary History* (Chapel Hill: Duke University Press, 1990), p. 292.

⁴⁸ *Ibid.*, p. 292, citing Servetus and other canon lawyers for support.

⁴⁹ Apology, p. 292, citing Acts 19: 24-36.

⁵⁰ *Ibid.*

⁵¹ Apology, pp. 295-296, citing Isaiah 50: 40, Acts 21: 24, Matt 9: 16-17.

⁵² Apology, p. 297, but see *ibid.*, p. 298 (suggesting that it was possible that he had not spoken truth at all).

⁵³ *Ibid.*, p. 296.

⁵⁴ "Statement," in *Hutchinson Papers*, p. 76.

⁵⁵ Thomas Lechford, *Plain Dealing or News from New England* (London, 1642), reprinted in *The Library of New England History*, ed. J. Hammond Trumball, vol. 4 (1877), pp. 67-68.

⁵⁶ *Ibid.*

⁵⁷ A lament made somewhat ironic in Lechford's case since he had been censured in Massachusetts Bay for inappropriately contacting a jury deciding a case concerning a client of his. *Mass Col. Rec.* 1: 270.

AT THE BOUNDARIES OF RELIGIOUS IDENTITY: NATIVE AMERICAN RELIGIONS AND AMERICAN LEGAL CULTURE

SUSAN STAIGER GOODING

Summary

This essay looks briefly at legal discourses about Native American religions in the late 19th and late 20th centuries, juxtaposing them in order to view the historical trends they represent—the role played by legal discourse in transforming Native American ceremonial practices and the role played by Native American religious discourses in transforming the law.

The first section argues that the opposition between religious tolerance and intolerance cannot account for the historical transformations wrought in Native America. Rather than religious oppression in any simple sense, late 19th century legal discourse was one force in the colonization of the ceremonial heritage of Native America. Developments in two areas of legal discourse that have evolved on the basis of the American Indian Religious Freedom Act of 1978 are the focus of the second half of this essay. If litigation on the basis of AIRFA has provided little foundation for decolonizing Native American religions, the evolution of AIRFA into the Native American Cultural Protection and Free Exercise of Religion Act of 1994 is an exemplary instance of the transformation of legal discourse and an invigoration of democratic procedures and definitions of collective interests in the US. It is argued that Native American rights discourse about religious practices is providing alternative frameworks that can and should significantly orient scholarship of Native America.

Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.

Felix S. Cohen

as quoted in "Discrimination and Native American Religious Rights"¹

The following fact can no longer be denied: the creative life of native peoples, from sea to shining sea, is the foundation of American history.

Lawrence E. Sullivan

*Introduction to Native American Religions, North America Volume*²

Introduction: frameworks for interpretation

This essay attempts to build on the insights of these two great scholars—Felix Cohen, the legal scholar and “father of federal Indian law,” and Lawrence Sullivan, the encyclopedic and graceful historian of religion—with regard to “Native America,” which is no less an imagined and located social-historical place than is “America.” I attempt to build on their shared claim that, although Native American communities may mark boundaries of social, political, and cultural difference in the US, the histories of these communities are neither “other” to nor on the periphery of American history, but at its heart. I also attempt to build on the present tense and the dynamic sense of agency with which Cohen and especially Sullivan speak of Native Americans—a dynamic present tense too often missing in the historical frameworks given voice in scholarship. The relationship between religion and the law in Native America is an ideal subject through which to view this historical dynamism and to evaluate contemporary scholarly and legal frameworks for interpretation.

With regard to religion it is painfully clear that non-Indian intentions to tolerate the differences represented by Native Americans have had no necessary relationship to the harsh realities of their histories. Both friends and foes of Indians have sought to dismember the ceremonial basis of indigenous communities through legal and other means. In this sense legal discourse about Native American religions is characteristic of US policies toward Native Americans more generally. As Robert Berkhofer has argued:

Although the specific goals of missionaries and military officers, of philanthropists and politicians have often conflicted, these diverse White officials and policy makers agreed upon the basic nature of the Indian, and *therefore their policies, if not their aims, were usually compatible in the larger sense.* (Berkhofer 1978, p. 113, emphasis mine.)

Vine Deloria Jr., Standing Rock Sioux, sees this same pattern, or “larger sense,” emerging in scholarship about Native America. Deloria Jr. claims that scholars of all political and disciplinary ilk commonly utilize this only-apparently-oppositional framework implicit

in US legal discourse about Native Americans as their point of departure. He argues, “much of what passes for history dealing with Indians and whites is a mythological treatment of the development of policy disguised as history” (Deloria Jr., 1987, p. 85). Pointedly echoing Berkhofer Deloria Jr. continues

In many respects the writing that most needs revision is that which seems to favor Indians. It is not inaccurate, it is simply too generalized and tends to mislead Indians into adopting liberal myths instead of conservative myths. [Such] generalizations . . . seem favorably inclined toward Indians but actually have negative implications when they are seen within the context of contemporary Indian life. (Ibid., pp. 85-86.)

One task for contemporary scholars of Native America, therefore, is to take account of legal discourse as an historical force, without taking it as our framework for understanding.³ Such is certainly the case with Native American religions. In fact, among the Indian scholars I read and the tribal members with whom I work there is a kind of double-voicing with regard to religion. While there is agreement that the struggle for religious rights is among the most important issues in Indian Country today, there is also an insistence that the very concept “religion” is a colonial construct. Thus, in contrast to work that focuses on the opposition between religious tolerance and intolerance—the dominant opposition in both legal policy and scholarship about the history of Native American religions—I locate the history of legal discourses of Native American religious rights in the framework of colonizing and decolonizing discourses.

This essay looks briefly at legal discourses about Native American religions in the late 19th and late 20th centuries, juxtaposing them in order to view the historical trends they represent—the role played by the law in transforming Native American religious and ceremonial practices and the role played by Native American rights discourse about religion and ceremony in transforming the law. I argue that Native American religious rights discourse is making a contribution of immeasurable value to the development of American legal discourse and, in turn, to the vitality and viability of the American public sphere.⁴

1. The "passing" of traditions

Before the late 19th century, religion was only indirectly the concern of American legal discourses relating to Indians despite the ubiquity of colonial takings that were justified with the claim that indigenous communities were heathen and without any form of religion. Before treaty making was suspended by Congress in 1871 discussions of religion in early US legal discourse were limited to clauses of negotiated treaties through which indigenous leaders expressed their willingness to accept visits from Christian missionaries (Deloria Jr. 1992a, pp. 13-14), and to those clauses specifying sacred sites or places to which particular indigenous communities reserved rights. In fact, it was after over 200 years of such visits from missionaries, and after many indigenous people had incorporated Christian tenets and practices into their religious and cultural ways of life, that the religion of Indians itself became the object of US legal policy and a focus of other American public discourse.

The discontinuation of treaty negotiations and treaty making represented an entirely new course taken by the federal government. By contrast to the dubious yet negotiated format of treaty making the legal policies of the late 19th century set out to make policy for, rather than with, Indians. No longer concerned exclusively with moving indigenous communities *en masse* on to reservations, yet still extremely concerned to limit the movement of these communities and to control the bodies and minds of their members, the federal government set out to invade every dimension of their internal and domestic lives. Policies about religion were at the core of this invasion. The first such policy was promulgated under President US Grant's so-called peace policy, when in 1869 Indian agencies began being assigned to various religious denominations. Between 1869 and 1872 all of the then recognized Indian Tribes were apportioned among the 13 Christian denominations recognized by the federal government, and Christian boarding schools for Native American children were institutionalized on a national scale (Annual Report, Commissioner of Indian Affairs, Francis Walker. House Executive Doc. no. 1, 42nd Congress, 3rd sess., serial 1560, pp. 460-462, see Prucha 1990, pp. 141-143).

Within 10 years it became obvious that it was neither the acceptance of Christian beliefs by Indians nor the beliefs of Indians at all that were of concern to representatives of the US, but the eradication of indigenous ceremonial practices. In 1883, at the request of Secretary of the Interior, Henry M. Teller, so-called Courts of Indian Offenses were instituted on all Indian reservations to ensure the discontinuation of what he regarded “as a great hindrance to the civilization of the Indians, viz, the continuance of the old heathenish dances, such as the sun-dance, scalp-dance, etc.” (Annual Report of the Secretary of the Interior. House Executive Doc. no. 1, 48th Cong., 1st sess., serial 2190, pp. x-xiii as quoted in Prucha 1990, p. 160). The list of Native American practices prohibited by these federal regulations suggests this policy was aimed not at the beliefs of Indian peoples but at the networks of social and political relations produced in the context of indigenous ceremonial practices.

The list of indigenous practices prohibited by federal regulations promulgated in 1883, 1892, and again in 1904 included: 1) all dances and “any similar feast,” 2) all plural or polygamous marriages and those not “solemnized” by an appointed judge, 3) all practices of medicine men and the prevention of Indian children from attending religious schools, 4) the destruction, injury, taking or carrying away of any personal property without reference to its value, particularly in the case of the death of an Indian, 5) immortality, particularly the exchange of gifts between families when negotiating marriages, 6) intoxication and, 7) the failure to “adopt habits of industry, or to engage in civilized pursuits or employments” (distilled from 1892 “Rules for Indian Courts,” House Executive Doc. no. 1, 52d Cong., 2nd sess., serial 3088, pp. 28-31 as quoted in Prucha 1990, pp. 186-89).⁵ These offenses were punished by fines, withholding food rations, and imprisonment. These were not referred to as elements of Indian religions *per se*. Nevertheless, with the exception of “intoxication” and “the failure to adopt habits of industry” this list of offenses designates ceremonial and symbolic practices that were so ubiquitous as means of mediating and negotiating social relations and identity in and between indigenous communities that they could form one of the first

policies written for all Indian people. As Patricia Limerick has stated, "The campaign against Indian religions was, at its core, a campaign against the Indian family," against the intergenerational and extended kinship relations that "knit tribal societies together" (Limerick 1993, p. 11).⁶

The suppression of Indian religions in the late 19th century does not strictly signify intolerance on the part of reformers of the likes of Indian Commissioner Henry M. Teller. Those self-proclaimed tolerators of the late 19th century, the self-named "Friends of the Indians," agitated for the discontinuance of Indian religious and ceremonial practices as well. These philanthropists, who were extensively consulted by the federal government in its policy making throughout the second half of the 19th century, feared the only precaution that could be taken against the total disappearance of "the Indian" was a course of rapid and forced assimilation. For these reformers as well, religion formed a key foundation for Indian resistance to assimilation. Thus, despite their declared sympathy with and tolerance for "the Indian," it was not merely the acceptance of Christianity and the principles of civilization by Indians that was essential, but the discontinuance of traditional ceremonial practices.⁷

Beyond the context of this oppressive legal discourse another shift was taking place in the US in the late 19th century—the emergence of a new kind of publicity with regard to Indian religions. From Edward S. Curtis's photographic showings, to Buffalo Bill's Wild West Show, to the 1893 Columbian Exposition, the 1904 St. Louis World's Fair, and city and county fairs held annually across the United States, the display of indigenous Americans proliferated and their otherwise legally prohibited ceremonial practices were embraced as an integral part of the heritage of America.⁸ As Edward S. Curtis put it:

The passing of every old man or woman means the passing of some tradition, some knowledge of sacred rites possessed by no other, consequently the information that is to be gathered, for the benefit of future generations, respecting the mode of life of one of the great races of mankind, must be collected at once or the opportunity will be lost for all time (as quoted in Graybill and Boesen 1986, p. 2).

Presuming as he does the passing from history of Indians, at least those who were bearers of authentic traditions and rites, the future generations Curtis speaks of as the beneficiaries of this collection were clearly non-Indian. Thus, just as the passing of tradition was being outlawed among Indians, its passing to the American public was pursued with a penchant. It remained unremarked in all corners of the public sphere that it was largely the legal prohibition of intergenerational passing among Indians that lent any justification whatsoever to the project of alienating, for the sake of posterity, the sacred and ceremonial rites, the ceremonial objects, and the very remains of the departed ancestors of indigenous communities that ensued over the next century (see especially *American Indian Culture and Research Journal* 16, no. 2, 1992).

Alienated from the social context in which such ceremonial rites and objects took on meaning, these practices were colonized and resignified against other social-symbolic frameworks. In addition to being commodified within the “free market,” in the context of publically-funded museums and universities this ceremonial heritage was measured, sorted, classified, and explained against any number of theories and definitions of religion, often becoming the fodder for what Gerald Vizenor has characterized as “autistic monologues with science” (Vizenor 1989, p. 198).⁹ Re-presented to the public through the mediation of scholars, these objects were largely described as part of religious systems of belief rather than ceremonial ways of life. Any departure on the part of real indigenous individuals from such fixed systems stood as a sign of the passing of their authenticity as “Indians.” In museums and universities ceremonial objects and others media have been largely overdetermined through competing narrative theories of religion that are framed in such racial and socio-evolutionary terms.

We cannot, then, take the legal discourse of the late 19th century at face value for, retrospectively, we see that Indian traditions were not prohibited, they were merely prohibited for Indians. What was shared by non-Indians of the time was not an intolerance of Indian religious beliefs, but a culture under whose gaze indigenous people

could only take on meaning with reference to a racial typology and a socio-evolutionary framework for interpretation. Legal discourse acted as only one force in the more general decontextualization of indigenous ceremonies. The struggle facing indigenous communities in the wake of this violent alienation was more complex than the struggle to pass on and perpetuate their religions. It was and is also a struggle to recontextualize that which has been colonized under the term “religion” and to redefine the relationship between the ceremonial and other aspects of community life.

If the explicit intention of late 19th century prohibitions cannot be taken at face value, the effects of these prohibitions cannot either. Despite the concerted efforts of legal reformers; the disruption, illness and violent treatment that ensued; and the alienation of a vast portion of the great ceremonial heritage of indigenous communities, American prohibitions of Indian religious and cultural practices failed. In addition to continuing to practice their traditions in secrecy and in the context of public performances so eagerly consumed by Americans, and by contrast to the socio-evolutionary framework through which many scholars overdetermined indigenous traditions as religions, “Most Indians did not see any conflict between their old beliefs and the new religions of the white man and, consequently, a surprising number of people participated in these ancient rituals while maintaining membership in a Christian denomination” (Deloria 1991, p. 1).

A second, quite different if related change was ultimately wrought by the legal discourse prohibiting Indian religions. Coupled with educational policies through which Indian children were schooled under the tutelage of the proponents of Christian denominations and, later, state representatives, Indian children were educated in the English language, in the concept of the right of law, and in the notion of the progress of civilization. Ultimately, the prohibition of religion was also a painfully-won orientation to the discourse of rights; an education that provided the tools and a framework for the articulation of religious and other rights discourses. Although in 1924 all Indians were granted citizenship (43 Stat. 253), thus becoming American Indians, and in 1934 the prohibitions against Native American Indian

religious practices were effectively negated under the Indian Reorganization Act (25 U.S.C.A. 461) whose stated intention was to roll back the failed policies of assimilation, it was not until Native Americans themselves actively took up the discourse of religious rights in legal forums in the 1950s and 60s that these colonial trends began to shift. This activism by elders and other community leaders resulted in the American Indian Religious Freedom Act (AIRFA), Public Law 95-341, a First Amendment for indigenous Americans, which was passed by Congress in 1978.¹⁰

2a. Litigation and defining “religion” as a framework for decolonization

In addition to an express statement of policy

to protect and preserve for American Indians their inherent right to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites (as quoted in Prucha 1990, pp. 288-289)

the American Indian Religious Freedom Act of 1978 recommended reforms be undertaken by numerous federal agencies that were increasingly invoking regulatory laws having nothing to do with religion—environmental, immigration, and prison regulations—to limit Native American religious and ceremonial rights in the 1960s and 70s.¹¹ Few of these recommendations were put into effect as federal agencies waited for the courts to act, to see what the actual status of AIRFA would be.

On the basis of AIRFA tribes and individuals brought dozens of cases before the lower federal courts in the late 1970s and early 1980s seeking protection of their religious rights. The lower courts varied in their interpretations of the status of the act and religious rights more generally.¹² Three quarters of the cases brought by tribes or individuals—including religious rights to gather and possess animal parts and eagle feathers, the rights of prisoners to wear long hair and headbands and to participate in ceremonies in federal prisons,

the rights of members of the Native American Church to use peyote, and the rights of numerous tribes to utilize and participate in the management of places sacred to them—were lost in the lower courts. All of the cases concerning sacred places were lost. Across the board Native Americans found little protection under AIRFA.

The interpretive quagmire in the lower courts culminated in 1988 and 1990 with two cases heard before the US Supreme Court.¹³ The 1988 Supreme Court opinion in *Lyng v. Northwest Indian Cemetery Protective Association* gutted the American Indian Religious Freedom Act. In *Lyng* (1988) the Supreme Court upheld the right of the US Forest Service to complete construction of a Forest Service road in the Six Rivers National Forest in northern California despite their acknowledgment that sites sacred to the Yurok, Karok, and Tolowa would be destroyed. *Lyng* (1988) ended the question as to whether AIRFA would provide Native Americans any statutory protection with the Court declaring that AIRFA ultimately protected Native Americans only from punishment for or forceable violations of their religious beliefs (Echo-Hawk 1993, p. 43). Ironically, given all that was at stake in this case and the scope of what was lost, the Forest Service never completed its road in the Six Rivers National Forest.

In 1990, in *Employment Div., Dept. of Human Resources of Oregon v. Smith*, the Supreme Court addressed the religious rights of members of the Native American Church under the First Amendment. The conflict addressed by the Court in *Smith* (1990) resulted when the State of Oregon fired two Native American employees for their participation in the peyote ceremony of the Native American Church. The Court found in favor of the State of Oregon despite the fact that the ceremonial use of peyote was acknowledged as having had no effect on the employees' work performance. As has been widely noted, the majority opinion in *Smith* (1990) went farther than necessary in upholding Oregon's claim by attacking and undermining the standards of judicial review by which the religious rights of all Americans had been interpreted and protected. The three-part test developed by the Supreme Court in *Sherbert v. Verner* (1963) whereby

courts have evaluated whether religious practices can be limited by the state includes: 1) proof that a claim is religious and that the religious practice at issue is central and indispensable to that religion, 2) proof that the state limitation is burdensome to the religious practice, and 3) proof that there is some compelling interest that merits the state's burden on that religious practice. Among other things, in *Smith* (1990) the Supreme Court set aside the "compelling interest test" altogether.

Realizing that *Smith* (1990) effectively nullified the constitutional basis whereby the religious rights of all Americans are protected, Native American activists and scholars of Native America were immediately joined by a broad alliance of religious groups, and in 1993 the Religious Freedom Restoration Act (Public Law 103-141) was passed by Congress, explicitly restoring the compelling interest test. However, while the compelling interest test may be necessary, it is not necessarily sufficient; it effectively begs the question of religious rights, at least those of Native Americans who have repeatedly lost cases in which their religious rights have been litigated under this rule. For, rather than placing the onus on the federal government to prove a compelling interest, in religious rights cases in federal Indian law the courts have generally emphasized the first of the three part balancing test, thereby placing the onus on the Native American individuals or groups to prove that any given religious practice or belief is "central and indispensable" to their religion.

Before exploring the compelling interest test further, I would like to turn briefly to the responses of scholars to this 20 years of litigation. Their responses and emphases have varied, but all have agreed that the concept of religion and the interpretive standard by which courts require proof that a religious practice or belief is central and indispensable is inadequate in the Native American context. Scholars have argued that the court's concept of religion is essentially Christian and that, in turn, current judicial standards of review are inherently discriminatory, even a violation of the Establishment Clause of the Constitution because, with regard to Native American religious rights, there has been no separation of church and state. Growing

out of these criticisms and focusing largely on the courts' repeated denials of rights to sacred places, scholars have begun to articulate alternative definitions of Native American religions and a wider repertoire of analogies between Native American and Christian religions.¹⁴ All have made the moral plea that Americans fulfill their history and chosen destiny by extending tolerance toward Native Americans.

Without minimizing the need for and importance of this work, it must be noted that neither the courts' acknowledgement of the centrality and indispensibility of Native American religious practices, nor even their acceptance of analogies between Christian and tribal practices have provided a solution to the problem of religious rights in any strong sense, nor a model for religious tolerance in any sense of the word. For, with very few exceptions, where courts *have* found any given Native American religious claim to be salient, they have nevertheless generally found against the religious claim under the compelling interest test. In case after case some public interest—the public interest in penal security, the public interest in electricity, the public interest in tourism, or the public interest in not being burdened by the religious practices of a minority—has been found so compelling as to outweigh the tribal or individual Native American's religious right.¹⁵ As this list of public interests suggests, the argument that Christian interests inform and are accommodated by legal discourse in the US doesn't sufficiently explain trends in the litigation of Native American religious rights.¹⁶

Additionally, as Deloria Jr. has pointed out, it is not always only the rights of Native Americans that are represented in the litigation of their religious rights. Though *Lyng* (1988), for example, was a case in federal Indian law and was litigated as a case concerning a site sacred to Native Americans, the plaintiff in this case was an alliance that included the three tribes for whom Chimney Rock in the Six Rivers National Forest is a ceremonial site, six environmental groups, and the State of California, all who had an interest in protecting these public lands. The Supreme Court's use of the generalized concept of "public interest" in finding against the plaintiff in this case cannot, then, be read as a justification of Christian beliefs nor "white" values

in any clear sense. Rather, as Deloria Jr. forcefully argues, as a result of *Lyng* (1988) all Americans must face the reality

that government bureaucrats and employees deeply believe that the property they are charged with managing belongs to them personally, and that any effort by the public to participate in management is a personal affront. The more than 35 percent of the United States that is comprised of public lands belongs, in theory at least, to the public as a whole, not to federal employees and their favored clientele (Deloria 1992, p. 287).

From this perspective, continuities and shifts in the relationship between legal and other public discourses from the late 19th to the late 20th century come into view. Although less dramatic than the late 19th century, when the movement and gathering of indigenous people for ceremonial purposes could stimulate a fear of such proportion in the federal government that it could lead to the 1890 massacre of Ghost Dancers at Wounded Knee, today spiritual practices as mundane as wearing long hair and eagle feathers continue to represent a danger of some sort to the federal government, its authority, and the constitution of the body politic. It would appear that in the late 20th century the control previously reserved for Native Americans is being exercised with regard to the values that the American public, of which Native Americans are a part, is entitled to hold. Laws explicitly addressing religion are not needed to exercise this control; any legal discourse relevant to the constitution of the public domain can be a medium for exerting authority over religious and cultural values, authority that may or may not represent public consensus, but is claimed in the name of the public nevertheless.

The application of the compelling interest test in these cases also reveals the limitations of litigation as a form of discourse for resolving all such conflicts between religious and other interests. Litigation is by its very definition an adversarial form of legal discourse in which rights are not negotiated and/or held in relation to one another. The recognition of one right must ultimately result in the exclusion and denial of other rights. In the context of litigation, the notion of a balancing test seems either an ideal rarely attained or a misnomer. The result of each of the cases cited above was not a limitation of

Native American religious rights in relation to state interests, but an outright exclusion of the plaintiffs' concerns as having any relevance to the issue raised in the case whatsoever.

The 1980 decision in the lower courts in *Badoni v. Higginson* illustrates the irrationality of this adversarial form of legal rationality. Navajo religious leaders in this case requested that the National Park Service prohibit alcohol consumption at the Rainbow Bridge National Monument and periodically close the monument for their limited ceremonial use. Rainbow Bridge is undoubtedly a central sacred site for Navajos, which the court acknowledged. The Court, nevertheless, found that the public interests in electricity and tourism outweighed Navajos' religious rights and that such an accommodation to the Navajos would violate the Establishment Clause requiring a separation between church and state. Whatever is at work behind this constructed and grasping oppositional framing of rights, such a mutually exclusive interpretation is obviously not what Navajos had in mind. As Steven Moore has noted of sacred sites generally, "In all but the most exceptional of circumstances Native groups have never and will never seek exclusive use of a land area for religious purposes" (Moore 1991, p. 97).

Deloria Jr.'s conclusion with regard to such framings of Native American religious rights in litigation provides an appropriate transition to current legislative developments. Of the Supreme Court's decision in *Lyng* (1988) Deloria has said:

The most fruitful course of dealing with the US government now seems to be in negotiated settlements. In other words, what is required is a modernization of the old diplomatic treaty relationship between Washington and the various Indian nations... To the extent that this materializes over the next few years, and there is some indication that it will, *Lyng* may ultimately be remembered as a positive legal landmark by Indian people, regardless of the Supreme Court's intent in rendering its decision in the case (Deloria Jr., 1992, p. 286).

2b. Recontextualizing religion by redefining legal discourse

Simultaneous to the litigation of Native American religious rights under AIRFA have been ongoing regional hearings and negotiations

between Native American activists and elders and Congressional members, in which the details of violations of Native American ceremonial practices and their as yet unmet religious and ceremonial needs have been discussed at length. The Native American Cultural Protection and Free Exercise of Religion Act (NACPFERA), an omnibus bill covering several areas of religious rights, was introduced in Congress in 1994 and marked a culmination of these negotiations. NACPFERA has since been subdivided into several separate pieces of legislation due to the problematic process of passing omnibus legislation in Congress. As a whole, however, NACPFERA marks a beginning in the process of recontextualizing Native American religions, on the basis of which the outlines of the relationship between Native American people and their ceremonial practices begins to emerge and can begin to be defined. In addition, the very process of definition is itself explicitly addressed in the act, which develops a metadiscourse regarding the process by which religious, ceremonial and other rights are to be defined in specific contexts in Native America. Rather than a better definition of religion, NACPFERA begins to spell out a practical anatomy of tolerance which can form the basis for the decolonization of Native American ceremonial practices.

Four areas of specific legal protection are outlined under this legislation, each of which parallels the kinds of religious rights recently litigated: Native American rights 1) to cultural and religious sites, 2) to the ceremonial use of peyote, 3) to practice ceremonies and wear long hair when serving a sentence in federal penitentiaries, and 4) to the ceremonial use of eagle feathers and other animals parts or plants. When these areas of protection are seen in relation to one another, by contrast to what each signifies in isolated arguments in the context of litigation, the outlines of Native America begin to emerge.

Each of these are rights that exceed the boundaries of Native American sovereignty and identity understood territorially.¹⁷ The cultural and religious use of plants and animals, peyote, and sacred sites all imply movement off of reservations, into the public domain, even across international boundaries for their collection, transportation, and use. Such is the case, for example, when pow wow dancers transport

eagle feathers as part of their dance outfits across the Canadian or Mexican borders. Pow wows themselves are not religious events, but the adornment of the body with eagle feathers and other animal parts generally represents only one moment in a long ceremonial series. Each is generally given by someone in a network of kin and community relations signifying the spiritual aspect of any dancer, their individual achievements, and the social and ceremonial context of giving and receiving such objects. The transportation of dance outfits adorned with animal and bird parts is only one of many reasons that Native Americans have been incessantly stopped and harassed at international boundaries.¹⁸

A deterritorialization of Native American religious rights is also seen in the fourth designated area of protection, the protection of the ceremonial rights of prisoners. Rather than reject, neglect, or vilify Native American prisoners because of their location beyond tribal communities and on the boundaries of society, the religious needs of prisoners are central to the evolution of Native American religious rights discourse. This is not surprising in Native American communities where the criminalization of so many everyday, ceremonial, and cultural practices that “knit Native American societies together” have traditionally placed all Indians at risk in relation to the law.

In general, then, the minimal definition of religious rights developing in this legislation places that which crosses the boundaries of Native American communities at the heart of that which must be legally protected. Taken as a whole, these four areas point beyond a static notion of a religion, instead pointing to late 19th century laws, to the bodies of different Indians, and to the social and familial networks through which individuals’ ceremonial lives and identities were mediated. Taking distinct individuals and their ceremonial needs as its point of departure, a picture of the relationship Native Americans have to religion, a picture quite surprising to many non-Indians, emerges from this legislation. This is ceremonial scenario for which the pow wow dancer’s outfit may be an apt if unusual metaphor. Although, admittedly, pow wow outfits are both a modern version of traditional practices of adorning the body and can themselves be

commodified, neither of these qualifications diminish their power as ceremonial metaphor. No two pow wow outfits are identical, each is a series of ceremonially mediated stories, a set of signifiers that is *highly individualized within a communal context*. That communal context is not one place or one elder, but represents the diversity of the dancer's tribal and kin relations in different places, and their movement over time and through space. Their outfit is one map of that aspect of their identity that is constructed ceremonially. Like the relation different Indians have to sacred places, the relations different individuals have to particular ceremonial practices and objects are, then, distributed quite differentially across Native America. Not all Native Americans use peyote, not all wear long hair, nor do all members of any given tribe share identically in a singular religion represented by their tribe. Religious differences can play an important role in the alignments and associations of individuals and families in Indian communities.

This characterization of the relationship different Indians have to religion as a highly individualized one that is mediated in a communal context in no way adequately defines religion in Native America. It does, however, provide an orientation to the vast store of valuable if problematic scholarly work on Native American religions which such as that of Edward Curtis who, though bound by a racial and socio-evolutionary framework, travelled at length in Native America making careful observations. It does provide a framework for understanding his claim that, "The passing of every old man or woman means the passing of some tradition, some knowledge of sacred rites possessed by no other." Reading Curtis against the grain of his tragic, socio-evolutionary framing, his account supports the claim that no two individuals hold ceremonial knowledge or identity identically.

This individualization or specialization of identity produced ceremonially in Native America is not, however, a standardized political or religious ideology; it has totally other roots from an ideology of individualism and the associated right to hold one's own religious beliefs. I would argue that this non-standardized ceremonially mediated individualization, to the extent that it characterizes aspects or

areas of religion in Native America, provides one explanation for the courts' regular interpretations of any number of Indian religious claims as "dispensable and dispersed" rather than "indispensable and central." Such non-standardized ceremonially mediated individualization would also provide a framework for understanding the courts' regular interpretations of Native American religious practices as arbitrary matters of personal preference rather than expressions of central religious principles. However, anyone who has spent time in Native America, in a city or on the "rez," knows that a highly differentiated ceremonial context is essential to such production of individualized identity. To the extent that this is an adequate characterization, more appropriate than the alternative of providing better definitions of religion for the courts' benefit in evaluating Indian religious claims, would be to pose another question altogether—how essential is a given ceremonial practice or place to the evolving and serial production of individual identities within a family or community?

Indeed, because all of the dimensions of ceremonial and religious life in Native America that are essential and require statutory protection could never be addressed in any list, and because the movement required for ceremonial practices means that all possible conflicts with state interests could never be predicted, NACPFERA points beyond itself. A fifth area of protection "restores the 'compelling state interest test' . . . as the legal standard for protecting Native religious freedom in all other instances not otherwise specified" (NARF Legal Review 1993, p. 14). This fifth and open-ended area of religious protection, then, returns us to the question of the compelling interest test and the metapragmatics of legal process incorporated into this legislation.

Although NACPFERA does not feign comprehensiveness at the level of defining Native American religions it is concerned with comprehensiveness regarding legal discourse, in the sense of federal legal discourse applying comprehensively across the US and to all levels of the federal government. To illustrate this alternative notion of comprehensiveness I will refer to only one of the four areas specified in the bill, to the language protecting the use of peyote by Indians. This

portion of the bill was passed by Congress and signed into law by President Clinton on October 6, 1994 as an amendment to AIRFA, as Public Law 103-144. The metapragmatics, or statutory discourse about legal procedure, that characterize the “peyote bill” apply to the other areas of protection identified in NACPFERA.

Although laws protecting the religious use of peyote were in place in 28 states at the time this legislation became law, comprehensive protection for the ceremonial use of peyote is required in all states under this amendment. A relatively fine-grained articulation of those public interests that can legitimately limit these protections and the specific circumstances that merit such limitations are also articulated in this law, as they are in the other three areas identified in NACPFERA. The law includes statements to the effect that

Nothing in this section shall prohibit any Federal department or agency, in carrying out its statutory responsibilities and functions, from promulgating regulations establishing reasonable limitation on the use or ingestion of peyote prior to or during the performance of duties by sworn law enforcement officers or personnel directly involved in public transportation or any other safety-sensitive positions (as quoted in H.R. 4230, 4).

While the first clause in this statement is quite general and could form the basis for challenges to the rights of members of the Native American Church by any federal agency, the specificity of the second clause is designed to work as a limit to the claims any federal agency can make and as a model for interpreting the legitimacy of such limited claims. In addition to the public interest in prison administration, law enforcement, and public transportation, military readiness was stipulated as a possible cause of limitation on the right to use peyote.¹⁹ NACPFERA, then, develops limitations or practical boundaries to the authority of federal agencies.

In the case of each such potential limitation the “peyote law” stipulates two additional principles. On the one hand, the law states that, “Such regulations will be adopted only after consultation with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice” (H.R. 4230, 5). On the other hand, the law regarding the use of peyote stipulates, “Any regulation

promulgated pursuant to this section shall be subject to the balancing test set forth in Section 3 of the Religious Freedom Restoration Act” (ibid., 4). The compelling state interest test, previously used by lower court judges and Supreme Court justices to retrospectively define the interests in conflicts already long under way, is written into this legislation, making it a standard to which bureaucrats at all levels of federal administration must refer in the process of writing regulatory laws and as a medium for the consideration and negotiation of religious rights in the present. In tandem with the requirement that relevant Native American religious leaders be consulted regarding each such regulation or policy, this reorientation of the compelling interest test signifies a shift that is communicative, requiring an interactive procedure against which the outlines of religious and other interests that are constitutive of the public domain in the US are to be negotiated. This does not suggest that such negotiations will be non-conflictual. But it does open the possibility that such conflicts may not result in the either/or form of rights discourse that could produce such irrational scenes as that represented by *Lyng* (1988), where the Supreme Court abandoned the principles of AIRFA over a logging road that was never built. Additionally, should conflicts advance to litigation, the extent to which all parties have fulfilled the procedural obligations implied here will itself become relevant to the evaluation of claims.²⁰

Of course, aspects of this legislation remain problematic; as a whole it is a negotiated compromise, as will be any emergence of Native American in legal discourse. It does, however, contrast starkly with the late 19th century prohibitions of Native American religious practices, which were based on a racial and socio-evolutionary framework in which all Indians occupied an overdetermined, identical, and therefore racial position, as well as with the litigation of the late 20th century, which from a case by case perspective begged the question of an overarching framework for interpretation altogether. Any singular definition of Native American religions in response to this lack, while not a negligible project, actually only further begs the question. Any such definition could necessarily only reflect a lowest common

denominator approach to definition, thus perpetuating the problem of delegating all Indians to an identical and therefore racial position in legal discourse. Having been overdetermined by colonial and racial discourses for so long, Native Americans are attempting to reverse this process by refiguring the question of tolerance, understanding, and knowledge as an interactive process of decolonization. In so doing NACPFERA determines the different actors who are necessarily part of the process of definition at stake in the consideration of religious rights, thereby foregrounding the fact that definition itself is inevitably a social and cultural process.

This orientation toward the social, cultural, and historical process of definition can usefully guide future research on law and religion in Native America. On the one hand, scholars can map the strategies and narratives whereby Native American representatives of different ceremonial traditions define their needs within already colonized public space. On the other hand, scholars can investigate the strategies and narratives whereby representatives of federal and state governments incorporate, respond to, re-present, or entirely exclude the ceremonial and religious claims of Native Americans in the development of legal discourses, discourses which are not likely to explicitly take religions as their object—the discourse of the Forest Service, the Bureau of Land Reclamation, and federal penitentiaries.

In addition, because NACPFERA has shown that the decolonizing potential of Native American religious rights discourse must be firmly located in the larger project of articulating alternative frameworks to one that is racial and socio-evolutionary, it is likely that the future of Native American religious rights will continue to try to differentiate Native Americans from one another, while finding unpredictable common cause with Indians of different communities and non-Indians. Scholars have much to contribute to this project by exploring the relationship between racial and other related typologies through which social power has been historically mobilized in the US.²¹

Finally, to the extent that my characterization of Indian religions as producing highly individualized and specialized identities within

a kinship and communal context is appropriate, questions too numerous and contextual to be enumerated here emerge with regard to the intergenerational passing of scholarly research. There is a great deal that can be read between the lines of the racialized and socio-evolutionary discourse of the founders of American anthropology and historians of religions, and a useful profit to be gained from reading these texts against the grain of their explanatory frameworks.

In conclusion, an examination of religion and the law in Native America cannot be described through the oppositional images that dominate much discourse, legal and otherwise, on Native America; through the intent of policy makers; or even through those discourses that explicitly take religion as their subject. In attempting to refigure the question of tolerance and understanding as an interactive process, Native American rights discourse is providing models for the transformation of legal discourse and the invigoration of democratic procedures and definitions of public interests in the US. NACPFERA is only a glance into the benefit that all Americans have to gain from the decolonization of religious and other group "properties" in the US. As NACPFERA suggests, an acknowledgement of such rights does not signify the onslaught of endless claims for special rights that reactionary voices are so quick and determined to put before the American public, but an increase of historical and empirical rationality that has too long been sacrificed to rhetorical, abstract, and oppositional claims. From this perspective an examination of the dynamics of law and religion in Native America evokes more than a sympathetic reading of the past by opening onto a vision of possible futures.

University of Chicago
Committee on Ideas and Methods
1050 E. 59th Street
Chicago, IL 60673, USA

SUSAN STAIGER GOODING

¹ Inouye 1993, p. 3.

² Sullivan 1987, p. x.

³ This essay is deeply indebted, in fact, entirely dependent on the thorough and nuanced research of many scholars who have plumbed policy and case law on Native American religions, scholars who have reckoned with legal discourse on its own terms. While creating a fictive whole out of the research to which this essay is beholden in order to take a critical stance, I in no way intend to undermine this work, only to add to it with an audience of religious scholars in mind. I am thankful to Winnie Sullivan, Hans Kippenberg, and Frank Reynolds for providing a context for the re-presentation of this important work and for the opportunity to begin to read the richness of this research against the grain.

⁴ My usage of the terms "Indian," "Native American," "indigenous," "non-Indian," etc., reflects the context of the discussion in this essay. To many Indians I know the term "Native American" is as offensive as is the term "Indian" for other Native Americans. I have tried to be as relevant and specific to the context of my usage as possible; thus a tendency to use the term "Indian" is reflected in Part 1 of this essay, while a tendency to use the term "Native American" is reflected in Part 2.

⁵ Many other state and federal laws prohibiting aspects of Indian cultures and religions were instituted throughout the late 19th century in both federal and state laws. See Peregoy, Echo-Hawk and Botsford (1995) for example, where the laws specifying prohibitions on the use of peyote for Indians are outlined.

⁶ Limerick (1993) also points to the "economic component" of laws prohibiting Indian religions.

⁷ See generally, *Americanizing the American Indians: Writings by the "Friends of the Indians" 1880-1900*. Of these reformers F.P. Prucha has said, "Though sincere and humane in their outlook, the reformers were entrapped in a mold of patriotic Americanism that was too narrow to allow them to appreciate the Indian cultures. Their all-out attack on Indianness must be judged a disaster for the Indians, and therefore for the nation" (Prucha 1973, p. 10).

⁸ This contradiction did not escape some public commentary. Commissioner of Indian Affairs Thomas Morgan, under whose authority the Rules for Indian Courts were promulgated, took a vehement stance against the display of Indian ceremonies in carnivalesque events off reservations (see his speech in Prucha 1973, pp. 309-312) as did the Indian Rights Association (Prucha 1973, pp. 313-316).

⁹ Vizenor's unveiling of the imperialism of social sciences with regard to the tribal cultures of North America is unrelenting and unarguable. See his discussion of one anthropological interpretation of origin stories from his own Ojibwe tradition, and his decolonizing interpretation of these stories in Vizenor 1989, pp. 197-208. It must be noted, however, that scholars have long been significant allies of Native Americans in courts. Vizenor's work points to the urgency of reframings of scholarship mapped in this essay.

¹⁰ Because colonization rather than oppression has determined the history of law and religion in Native America, other legislation had begun to address issues that go beyond the freedom of religious expression and practice. For example, in 1990 specific legislation concerning graves and sacred objects, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), was signed into law. See *American Indian Culture and Research Journal* 16 (2) 1992.

¹¹ Specific recommendations were made in a report submitted one year after the passage of AIRFA, recommendations resulting from regional hearings with Native American religious leaders and the work of the American Indian Religious Freedom Project (Deloria Jr. and Lytle 1983, p. 237).

¹² See Sharon O'Brien's invaluable case by case review of these lower court decisions in O'Brien (1991).

¹³ For an in depth discussion of these two cases see Deloria Jr. 1992a and 1992b; Echo-Hawk 1993; Michaelsen 1991; Moore 1991; and Peregoy, Echo-Hawk and Botsford 1995.

¹⁴ Walker (1991), for example, argues that the notion of integrity more adequately reflects Native American religions than the notion of centrality, and develops a set of more empirical questions that might be posed by courts investigating the integrity of any religious practice. Deloria Jr. (1991), while noting that analogies to Euro-American religions are always problematic, proposes a provocative and useful hierarchically organized set of analogies between non-Indian and Indian sacred places. Echo-Hawk (1993) is an exemplary exception to the project of definition or analogy of religions. He takes legal discourse as his focus and powerfully argues that Israeli laws protecting sacred sites are a model by which the general vacuum toward sacred places in the US might be addressed.

¹⁵ *Badoni v. Higginson* (1980)—acknowledged Navajo religious right to Rainbow Bridge outweighed by public interest in electricity and tourism. *Fools Crow v. Gullet* (1982)—acknowledged Lakota and Tsistsistas religious right to Bear Butte outweighed by public interest in tourism. *Shabazz v. Barnauskas* (1985)—recognized religious right to wear long hair outweighed by public interest in penal security. *Indian Inmates of Nebraska Penitentiary v. Grammar* (1986)—recognized religious right to peyote outweighed by interest in penal security.

¹⁶ Following Robert Bellah, Deloria Jr. argues that a scenario in which these kinds of interests represent public values signifies a civil religion, "a generalized religion that endorses and affirms the state" (Deloria Jr. 1992, p. 16).

¹⁷ See Deloria Jr. and Lytle 1983, pp. 232-234 on issues of religious rights on reservations.

¹⁸ See the American Indian Religious Freedom Act Report of 1979, Appendix C for an extraordinary list of problems that Native Americans face with regard to border crossings and other areas requiring legal protection. This list was compiled as

a result of regional hearings with tribal religious leaders and is an important resource for scholars considering religious concerns as voiced by tribal, religious leaders.

¹⁹ Peregoy, Echo-Hawk and Botsford (1995) state that the safety-sensitive concerns of public transportation and law enforcement are non-issues for Native American religious leaders, as members of the Native American Church do not use peyote outside of ceremonial contexts.

²⁰ Robert Peregoy's case study of the protracted struggle between the Pawnee Tribe and the Nebraska State Historical Society over repatriation of human remains shows that conflicts mediated under such simultaneously substantive and procedural frameworks are likely to be as difficult as litigation, but admit more rational outcomes than would otherwise be possible.

²¹ For example, Women of All Red Nations (WARN) has pointed out that the contraceptive Norplant, which often causes erratic or constant menstrual bleeding for women, is inappropriate for Native American women who participate in ceremonies due to the continuing prohibition of women who are menstruating from ceremonies in Native American communities. WARN argues that this kind of information must be understood by doctors and legislators who see Norplant as a panacea for poor women, and must be incorporated into the counselling received by Native American women before making the decision to use Norplant.

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COMPETING THEORIES OF RELIGION AND LAW IN THE SUPREME COURT OF THE UNITED STATES: AN HASIDIC CASE

WINNIFRED FALLERS SULLIVAN

Summary

The meaning and application of the religion clauses of the First Amendment to the United States Constitution are currently a matter of intense and increasingly intractable public debate. The academic study of religion can make a positive contribution to this debate by inviting its participants into a conversation about human religion that is already struggling with problems of definition and of language and that wishes to affirm the existence and importance of human religion without establishing a particular definition of religion, without unconsciously theologizing. A close examination of the legal debate can, in turn, serve the purposes of scholars of religion. The politically charged context of First Amendment jurisprudence provides an interesting laboratory in which to test theories of religion.

I will examine the recent *Grunet* case in the Supreme Court of the United States to display an unacknowledged clash of theologies—as well as a clash of constitutional theories—and to propose the need for greater attention to theories of religion that underline various positions in First Amendment jurisprudence. The judges, the amici, and the parties present in this case different and conflicting American identities, identities constructed using both legal and religious resources which all have historical roots in the American past.

Introduction

The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.” While the First Amendment has long been central to American political and religious identity, interpretation of the first clause, the so-called establishment clause of the First Amendment, has become a matter of particular contention in recent years. The debate between the “separationists” and the “accommodationists” or “nonpreferentialists” has become increasingly hostile and intractable. It is a debate that I think scholars of religion can help with.

The anxious obsessiveness of scholars of religion over the appropriate referent of the word “religion” can be of service to a group—American lawyers and judges—which has spent a lot of words on the subject but which, in general, has not had the inclination or training to analyze carefully the discourse about religion that they employ. A close examination of the legal debate can, in turn, serve the purposes of scholars of religion. The politically charged context of First Amendment jurisprudence provides an interesting laboratory in which to test theories of religion.

The rhetorical location of this battle over the meaning of the establishment clause is, at present, over the constitutionality of legislative “accommodations” of religion. In response to a perceived hostility toward religion by government, the perceived need on the part of many is that government must rather “accommodate” religion. It is not enough that government leaves religion alone. The importance of religion must be recognized. Religion must be affirmatively “accommodated,” although there is much debate over what form such an “accommodation” should take.

Twenty-five years ago the assumption, at least in most judicial rhetoric, was that the proper goal of the Establishment Clause was “separation,” separation of church and state. We have moved in the intervening time from a desire to keep “church” separate from “state” to a desire for “government” to “accommodate” “religion.” The change in language is as significant as the change in direction. American religion and American government, and how they are perceived and represented, have changed considerably during this time. There are many reasons for these changes and this shift, as a larger phenomenon, has attracted considerable scholarly interest as a feature of contemporary culture. Here I will keep the focus on the courts and how this discussion is played out in that context.

One reason for the intractability of the public discourse about the First Amendment is that neither separation nor accommodation are meaningful without an accompanying theory of religion and of its relation to law and government. By and large, legal debates about the First Amendment fail to deal seriously with how to talk critically

about the church that is being kept separate or the religion that is being accommodated. There is a tendency in legal discourse to have “religion” be a place holder in the sentence. No content is ascribed to the word. It is simply filled by whatever individual or group or tradition is at issue in a particular case, without examination. All religion seems to be static and fungible for the purpose of law. Some speak as if all religion is beneficial, others as if all religion is bad. Few ask the question, “What is religion and how is it related to law?” or “How can we best talk about religion?”

It was easier when the ideology that supported the separation of church and state was founded in the dominant theology of American Protestantism. The churches knew their places and the state knew its place. While the rhetoric spoke of a wall of separation between the two, there was in fact a pervasive and unacknowledged “accommodation” of mainline Protestant religion. That theology and its dominance has been increasingly challenged. It certainly can no longer be taken for granted. It is now critical that the theological assumptions underlying legal theories about religion be made more explicit.

Here I will examine the recent *Grumet* case to display an unacknowledged clash of theologies—as well as a clash of constitutional theories—and to propose the need for greater attention to theories of religion that underline various positions in First Amendment jurisprudence.

On June 27, 1994, the United States Supreme Court, in *Bd. of Education v. Grumet*,¹ held that the State of New York had violated the Establishment Clause when, by special legislation, it created a new school district, the boundaries of which were coterminous with Kiryas Joel, a village in suburban New York which was founded as and continues to be governed as an exclusive Hasidic enclave—a satellite of the Satmar community of New York City. The Court’s decision was 6-3. There were six opinions filed in the case, a partial majority opinion by Justice Souter, separate concurring opinions by Justices Souter, Blackmun, Stevens, O’Connor, and Kennedy, and a dissent by Justice Scalia which was joined in by Justices Rehnquist and Thomas. The number of opinions is typical of recent establish-

ment clause cases. There is disagreement about how establishment clause cases should be decided, and how that should be determined, naturally enough. There is disagreement about the facts in the case and how they should be understood. And there is a great deal of rhetorical posturing. Tempers flare. And accusations are made.

Fundamentally the opinions are grounded in different visions of what it means to be an American. An argument can be made that that question is basically a religious one, in the largest sense of the term, and that the failure to acknowledge that fact contributes substantially to the distortion of the ongoing debate.

Establishment clause cases generally are about national identity because the establishment clause shapes for Americans the structure of the nation's religious life, both in terms of the government's relations to particular religious traditions and in terms of its national civil religion. In the broadest sense the establishment clause may be said to guard against the establishment of any one interpretation of what it means to be an American. The establishment clause in this sense can be seen as a seriously destabilizing force, constantly challenging various reifications of a national ethos—whether in the form of school prayer or of Christmas trees or of segregated schools.

I will start by reviewing briefly some historical background about the Hasidic community that is involved and an account of the litigation in the New York Courts. I will turn then to the opinions of the Supreme Court and to a comparison among the religious understandings there represented. The legal materials here considered are being read as cultural texts, not analyzed according to principles of legal reasoning. The courts will be seen, here, as constructors of our culture, not as creators of law, although there is a sense in which the two are inseparable.

Hasidism

Understanding the *Grumet* case requires some background in the history of Hasidic Judaism. For reasons that are still debated, there arose in Eastern Europe at the beginning of the eighteenth century a

new form of Jewish piety that excited and eventually influenced perhaps a majority of the Jews of Eastern Europe. The Baal Shem Tov (the Master of the Good Name)—a legendary figure of folk piety—a miracle worker and story teller—is credited as the founder of this movement. He modeled and taught a style of mystical piety that emphasized the importance of prayer, the need for joy in the performance of the commandments and *devekut*, a cleaving to God by each individual out of self-effacing love of God. He and his disciples personalized and devotionalized kabbalistic practices, revolutionizing the piety of many thousands of Eastern European Jews. The Besht—as he was known—and his disciples discouraged then current ascetic practices and encouraged a recognition of God's goodness and omnipresence even in the sometimes ecstatic enjoyment of physical pleasure and daily life.

The movement was at the time seen and is now understood to have been both one of religious renewal and redemption and a reaction to the isolation and alienation of the ordinary Jew from the scholarly elite of eighteenth century Rabbinic Judaism. It was at once a religious revival and a social revolution—a liberating new form of lay spirituality which finds parallels in new forms of Christian piety that developed in Europe and America in the same period.

This new religious style was not uniformly well-received by those who emphasized talmudic study as the centerpiece of Jewish piety and who accused the *hasidim* of being lax in their observance of the law, neglectful of Torah study and tending toward irrational and superstitious modes of worship. A three-way split developed in East-European Jewry in the early nineteenth century between the *hasidim*—the pious ones, the *mitnagdim*—their orthodox opponents, and the *maskilim*—the reformers of the Jewish enlightenment. As the nineteenth century progressed, however, the *hasidim* and the *mitnagdim* moved closer together, allies in opposition to reform movements within Judaism.

In the nineteenth century Hasidism also took on a more settled—some have said degenerate—form. The deep, varied and ecstatic spirituality of the first generations gave way to elaborate courts centered

around powerful autocratic leaders with sometimes royalist trappings. Each Hasidic court was led by a *rebbe*, a religious leader who was believed to be a *tzaddik*, a righteous one who acted as an intercessor with God. The *rebbe* was a holy man who lived a life of dedication to prayer and sometimes esoteric religious practices such as shamanistic journeying while also acting as ruler of a community which consulted him about virtually every decision in their lives. He was a living incarnation of the Torah—rising at times to messianic proportions. Robert Seltzer quotes a Hasidic saying about a *tzaddik*: “I did not go to the Maggid of Mezeritch to learn Torah from him, but to watch him tie his bootlaces.”²

One characteristic of nineteenth and twentieth century Hasidism is its decentralized nature. There were, and are, real—sometimes hostile—differences in theology and religious practice among Hasidic courts, differences that result from the idiosyncratic history, theology and religious practice of individual *rebbes*. Many of the most important *rebbes* were founders of Hasidic dynasties in which succession passed from generation to generation—dynasties named for the towns of Eastern Europe in which they originated and which continue in the American, European and Israeli cities in which they now flourish.

Hasidism was largely an Eastern European phenomenon until World War II. It flourished in the ghettos and villages—*shtetls*—of Eastern Europe where Jews lived in often self-governing isolation, separate from the rest of the population. It saw itself in deliberate opposition to secularism, modernity, assimilation and acculturation, while the *Haskalah*—the Jewish enlightenment—saw it as reactionary and anti-intellectual. Most Hasidic leaders were also strong opponents of what they believed to be the sacrilegious presumption of Zionism. The *rebbes* resisted moving their communities from Eastern Europe even when the political climate became increasingly hostile because of fear of the evil influences in the West. They felt that they had been called to await the coming of the Messiah in the isolation of their pious insular communities.

Most of the members of the Hasidic communities of Eastern Europe were murdered by the Nazis. The Hasidic world was very nearly

totally destroyed, particularly in Poland. Indeed, twenty or thirty years ago many would have said that the surviving remnant of ultra-orthodox Jewry, *mitnagdim* and *hasidim*, would slowly decline until it entirely died out, an anachronism in the modern West. The Hasidic communities that remain, however, those few who escaped and their descendants, are centered in strong and increasing numbers in Israel and in the cities of the West, especially London, Montreal, Boston and New York. These communities have positioned themselves on the extreme right of the spectrum of modern Jewish groups, among the *haredim*—those who fear and tremble—the “ultra-orthodox.” The *haredim*—which includes both *hasidim* and *mitnagdim*—all stress punctilious adherence to the law and careful separation from external secular worldly influences. Theirs is an all-encompassing religious culture. Strict observance of the Sabbath, ritual purification in the *mikvah*, a rigid segregation of the sexes, an obligation to procreate, modesty in dress are all hallmarks of Hasidic Jews, as they are of other orthodox Jews. But most distinctive of Hasidic Jews is their devotion and obedience to their *rebbe*. It is the role of the *rebbe* and the rituals that surround him that most distinguishes Hasidic Jews from other ultra-orthodox Jews.

There remain puzzled debates about the causes of the rise of Hasidism in the eighteenth century and about its relationship to the social and economic situation in Eastern Europe and to the rest of Judaism. Why, if it began as a liberating movement has it become a reactionary one? Perhaps that is just the fate of successful religious movements. Was Hasidism really a medieval or a modern phenomenon? Was it characteristically a throw-back to an older Jewish religious style or was it essentially modern and individualist in contrast to medieval Judaism, though in a different way from reform Judaism?

Their continued success would suggest that, like other fundamentalist groups, Hasidic communities have been singularly successful in critiquing and negotiating modernity. Put in the context of worldwide fundamentalisms, the Hasidim seem very modern indeed. They are a part of modernity from its inception, inventing themselves in opposition to secularism, and consciously crafting a “tradition” from

the rich resources of Jewish orthodoxy and mysticism. They are a highly educated, technologically sophisticated and politically astute group. They are at home in courts and with legal argumentation.

Kiryas Joel

The community about which this lawsuit is concerned is the Satmar *hasidim* of New York, the largest and most conservative Hasidic community in the United States. The Satmar *hasidim* trace their origins to the town of Satu Mare in Hungary. The founder of the New York Satmars, the Satmarer *rebbe*, was Joel Teitelbaum, a charismatic, autocratic and outspoken man who emigrated to the United States from Israel in 1945 where he had fled after he was ransomed from Bergen-Belsen in 1944. Rebbe Teitelbaum was known to those within his community both for his personal holiness and for his charity to those belonging to his court. To outsiders he is best known for his vociferous opposition both to Zionism and to the creation of the State of Israel. He saw the creation of the secular state of Israel as a heretical and sacrilegious usurpation of the Messiah's role and he understood the annihilation of six million Jews by the Nazis to be God's retribution for that presumption.

For almost thirty-five years the Satmar *hasidim*, under the iron rule of Joel Teitelbaum, maintained a large and vital presence in the Williamsburg section of New York, complete with Yiddish newspapers, an extensive internal welfare system, yeshivas, and Kosher shops. It was and is a bastion of Jewish ultra-orthodoxy. The rest of human culture and the rest of the human race are outside the system, especially most fellow Jews—non-Orthodox—who are regarded as apostates. The non-Jewish world and its technology has a kind of dual identity. While its moral values and its practices are suspect as a whole, as long as their employment does not violate specific halakhic provisions, parts may be seen as mere instruments, unhallowed but morally neutral.

In 1974, when Brooklyn could no longer contain the population growth and city problems became more intractable, the Satmarer

rebbe led the establishment of a new community in rural New York, in Monroe township, north of the City. It was named Kiryas Joel after Joel Teitelbaum. The new village boomed. Families averaged ten children. A mikvah was built. Religious schools were built, one for boys and one for girls. Kosher businesses were established. Today the population is over 12,000, half of whom are children. Those who visit it speak of the disconcerting experience of finding a replica of the East European shtetl transplanted to suburban New York: large families of boys with earlocks and girls with long-sleeved modest dresses speaking Yiddish and playing separately; women with wigs or kerchiefs covering shaved heads; men with the distinctive dress of East European villages in the nineteenth century. It is a bustling Yiddish-speaking community dedicated to observance of Jewish law and to the imminent appearance of the Messiah. There is no radio or television. There *are* cars and telephones and fax machines. While the Satmar avoid contamination from the non-Jewish values of the secular media, the Satmar communities of New York are in close communication—through modern telecommunications—with each other and with their co-religionists in Jerusalem, London and Montreal.

As in any group ruled by a charismatic leader succession has often been difficult in Hasidic courts. Joel Teitelbaum died in 1979 without an heir. His was a very difficult act to follow. The Council of Elders chose his nephew, Moshe Teitelbaum, the *rebbe* of a smaller congregation in Borough Park, to be the new leader of the Satmar community. He was crowned in Kiryas Joel a year after Joel Teitelbaum died. Moshe Teitelbaum chose his son, Aaron, to be his deputy, as *rov* or chief rabbi of Kiryas Joel. But the new *rebbe* and his son have not won the support of the entire community. Many residents of Kiryas Joel and of the Satmar communities in New York City, remain devoted to the memory of Joel Teitelbaum.

The relationship of the present community of fundamentalist Jews in Orange County to their forbears in Eastern Europe is complex. Any living community makes continuing choices about what to retain and what to change in the received tradition. While the Satmar of New York identify themselves as successors to the Hasidic courts of Satu

Mare, they inhabit a very different world. Western Hasids are more prosperous and more observant than their ancestors ever could be, in part because of the protection of laws like the First Amendment. They are also dependent on the economic and social support of the welfare state. Furthermore, by all reports, since Joel Teitelbaum's death, their political edge has softened. They have changed in the context of American institutions. Living in a free country *has* changed the community and the community is divided. One has to be extremely cautious about characterizing as a whole either the religious or political views of Hasids in general or of the Satmar *hasidim* in particular.

Kiryas Joel appears in the briefs and in the opinions of the *Grumet* case as a uniform whole, seamless and without conflict, united in its dedication to God and to the maintenance of its special way of life. Judges need stable well-defined facts, not living organisms—on which to make their pronouncements. In fact, Kiryas Joel is a community that, at least since the death of Joel Teitelbaum, is seriously divided. It is a community in crisis. The succession produced much unhappiness. There is disagreement about the schools in Kiryas Joel, even within the religious school system. A dissenting Yeshiva has already been created in opposition to the yeshiva sanctioned by the *rebbe*. A follower of the former *rebbe* has been expelled from the synagogue and his children dismissed from the Jewish school for challenging the present *rebbe* and for attempting to run for the school board. There is much debate about the wisdom of going to secular courts to settle internal disputes. All, of course, regard themselves as orthodox and in conformity with their tradition.

The separateness of the Hasidic community in Kiryas Joel from the larger American community has been created, as was that of the Jewish communities of Eastern Europe, by secular law as well as by religious law. During the medieval and early modern period successive Polish, German and Russian governments shaped and reshaped the laws that bound Jews, restricting their occupations, the location of their residences, their ability to travel and their right to pass their wealth to their children. Jews were subject to special, often crippling, taxes, openly designed by political leaders to raise revenues

without sacrificing popularity among Christians: taxes on Sabbath candles, taxes on Kosher butchers and taxes simply for being Jewish. Jewish communities were subject to the often schizophrenic desire of these governments on the one hand to make Jews assimilate by learning the national language or dressing in modern clothes while on the other keeping them separate and restricted to ghettos. Jews reacted in conflicting ways. Some sought assimilation. Some sought ways to modernize Jewish philosophy—to reconcile Jewish traditions with modern science and philosophy. Some relished the isolation, affirming and celebrating insular Jewish traditions in opposition to acculturation and reform.

While the ultra-orthodox Jewish communities of the modern West are not subject to the same penal laws as their ancestors were in Eastern Europe, their communities seem, at times, almost to replicate voluntarily the ghettos of Poland and Russia. Kiryas Joel has been involved, as have other Hasidic communities in New York, in a series of lawsuits designed to protect its way of life and to insulate it from the larger society—to give it secular as well as religious legal definition. When the new village was accused by the Monroe town board of violations of the building code because of the conversion of single family homes into multiple family units and the commercial use of residential property, the village successfully petitioned to incorporate as a separate entity. The drawing of the village border was carefully and explicitly done to include only Satmar and to exclude others.

In 1987 the village objected to the use of women drivers in the state-supported school buses to which they were entitled for transportation of the boys to religious schools. The bus company attempted to accommodate the village by providing exclusively male drivers but the bus drivers union objected on behalf of their overwhelmingly female drivers. The village decided to forgo free bus service, rather than subject the boys to contact with the female drivers.

Finally, in the series of lawsuits that led up to the promulgation of the law that is the subject of the *Grumet* case, the village has attempted to obtain public schooling for their handicapped children

separate from the special education provided for other handicapped public school children in the area. Other Hasidic groups in New York have also been involved in extensive litigation to maintain their separateness.

The Grumet case

Virtually all of the children in Kiryas Joel and some Hasidic children living in nearby communities attend the village's religious schools, talmudic academies for the boys and special schools for the girls. Beginning in the early eighties, some families in the village decided to take advantage of federal legislation mandating "free and appropriate" public education for handicapped children and sought permission from Rebbe Teitelbaum to do so. When he granted such permission, the Monroe Township school district in which the village was situated initially provided special education teachers who taught in classroom annexes in the religious schools. However, after the Supreme Court's decision in 1985 declaring teaching by public school teachers in parochial schools to be unconstitutional,³ the Monroe school district decided that it could no longer provide such instruction in parochial schools and that the handicapped Hasidic children would have to come to the public schools to receive special education.

A few of the Kiryas Joel parents sent their children to the public schools for special education but soon withdrew them, arguing that their children had been too traumatized by "leaving the language, lifestyle and environment of the Village and mixing with others" in the regular public schools. The village parents then brought an action to require the Monroe School District to provide the services at independent sites near the Kiryas Joel schools. The New York Court declined to require such an arrangement.

After further negotiation and litigation the legislation that is the subject of this case was proposed and a new public school district was created for Kiryas Joel in 1989. The statute reads:

The territory of the Village of Kiryas Joel in the Town of Monroe, Orange County, on the date when this act shall take effect, shall be and hereby is

constituted a separate school district, and shall be known as the Kiryas Joel Village School District and shall have and enjoy all of the powers and duties of a union free school district under the provisions of the Education Law.⁴

The new district was a full-fledged public school district under the Board of Regents of the State of New York but the only public school in this new district was a school for the Hasidic children of Kiryas Joel and Hasidic children from other Hasidic communities needing special education. Three quarters of the \$3.2 million school budget was paid by local taxes. The rest was paid through state aid.

According to the briefs of the Kiryas Joel Village School District, the 13 full-time disabled children from Kiryas Joel and the 238 part-time children from Kiryas Joel and handicapped children from other Hasidic communities received a “wholly secular education.” There was no religious instruction in the school. There were no *mezuzahs* at the doors. But only Hasidic children attended the school. It was explicitly understood at the time of its creation that if non-Hasidic children should move into the Village the Village would pay tuition for them to attend the Monroe Township schools.

Whether it is in fact the case that the school was “wholly secular” is not at issue in this case because it was the creation, not the administration, of the school district that was at issue. The parties agreed that the school was totally secular for purposes of this case. But dissidents within the community have argued otherwise to the press. They have pointed to the fact that all of the school board members were chosen by the *rebbe* and ran unopposed in school board elections; that the school kept a kosher kitchen; that older boys and girls were segregated; that the school was only nominally open on Jewish holidays and that it did not celebrate Valentine’s Day or Halloween out of deference to the religious concerns of the parents. All of the teachers’ aides in the school were from Kiryas Joel but none of the teachers were Hasidic. Most were modern Orthodox. No villagers were qualified as public school teachers because Satmarer *hasidim* are not permitted to attend college for fear of profane corruption.

It is the creation of this new public school district that was at issue in the *Grumet* case. Did the State of New York violate the

Constitution of the United States when it came up with this solution to a longstanding and bitter local dispute? Is this “a law respecting an establishment of religion” or is this a constitutionally permitted “accommodation” of religion? Is it about religion at all? Should we call “the language, lifestyle and environment of the Village” religion? And how should we “accommodate” it if we do? Whether or not one calls it religion is not a matter of mere academic interest. Constitutional rights depend upon the choice.

New York Courts

Three levels of the New York State courts declared the statute to be an unconstitutional establishment of religion, although they did not always agree on where the constitutional flaw was to be found. The courts were handicapped of course by the fact that the statute itself makes no mention of religion, although Governor Cuomo acknowledged a potential First Amendment problem in the remarks he made when he signed the bill.

The trial court judge, Justice Kahn, concluded:

There is no doubt that the legislation was an attempt by the Executive and the Legislature to *accommodate* the *sectarian* wishes of the citizens of Kiryas Joel by taking the extraordinary measure of creating a governmental unit to meet their *parochial* needs.⁵ (emphasis supplied)

and that, “The legislation is an attempt to camouflage, with secular garments, a religious community as a public school district.”⁶ *Accommodation* of religion is here seen as unconstitutional. “Sectarian wishes” and “parochial needs,” in Justice Kahn’s view, should not be motivating government action. He warns: “This short range accomplishment could in the long run, jeopardize the very religious freedom that they now enjoy.”⁷

On appeal, the New York Appellate Division, in a four to one decision, agreed with Justice Kahn, again emphasizing the sectarian nature of the children’s needs.⁸ All of the judges in the majority simply assume that the motivation of the residents of Kiryas Joel and of the New York legislature is to aid religion. The one dissenter

in the appellate division argued that the purpose of the statute was secular, to provide secular special education, and that the children's needs were secular. The professed goal of the Satmarer parents, Judge Levine said, was to protect their children from psychological and emotional trauma because of their distinct *cultural*, not religious, needs for segregation. He further argued, however, at the tail end of his opinion, that even if it is appropriate to attribute a religious motivation to the Satmarer parents, the statute would be constitutional because it would be "accommodating" religion: "[I]ts principal *effect* would . . . be to lift a substantial burden on the sect's free exercise of religion"⁹ (emphasis added). Accommodation of "sectarian" needs is here seen as a desirable goal of government.

The New York Court of Appeals affirmed. What concerned Chief Judge Kaye, concurring, was the favoritism shown to a particular religion. Kaye concludes that "the State engaged in *de jure* segregation for the benefit of the one religious group,"¹⁰ an action that not only violates the First Amendment but that also violates *Brown v. Bd. of Education*.¹¹ *Brown*, after all, said that it was not only for the sake of the black children, it was for the sake of the white children, too, that integration was necessary. The creation of this special school district for Hasidic children is a repudiation of the ideology of the public schools as common schools. The second concurring opinion in the New York Court of Appeals argues that the statute is unconstitutional because it allows the Satmar *hasidim* to employ the police power of the state to enforce a religious doctrine, namely the separation of the Hasidic children from the rest of the population.

In dissent, Judge Bellacosa argues that the challenged legislation was in fact an appropriate and admirable response to the demands of cultural pluralism. He struggles at length over the appropriate judicial role in the determination of "religiosity." He argues finally that the challenged statute was a careful solution which addressed only the secular needs of the Satmar children without succumbing to "the theology of their families,"¹² namely a theology which entirely rejects secularism. His opinion displays a thoughtful confusion about where to locate the religion in this case. Bellacosa says that courts

should not be deciding theological questions yet he resists ceding that determination to the *hasidim*—applauding New York’s insistence on the secularism of the Kiryas Joel school. Accommodation, for Judge Bellacosa, means giving the benefit of the doubt to pluralism—and talking about cultural rather than religious differences:

The facile notion that the cultural, psychological and secular differences of the special-needs children of Kiryas Joel cannot be classified as anything but religious in nature should be rejected as alien to our most cherished traditions and values. The cultural disposition and circumstances of handicapped Satmarer children should not disqualify them from government attention on the bare conclusion that their differentness is derived solely from their religious beliefs and, therefore, is constitutionally inseparable from their religiosity. A culturally diverse nation, which proclaims itself under a banner, *E Pluribus Unum*, should not tolerate such a self-contradiction, for to penalize and encumber religious uniqueness in this way, in effect strikes the “E Pluribus” and leaves only the Unum.¹³

Interestingly, Bellacosa suggests that just because the *hasidim* call their children’s needs religious does not mean that we have to. Accommodation of religion may best be done by avoiding the label.

The judges in the New York Courts thus found the statute unacceptable for a variety of reasons: New York was actually delegating political power to a religious sect or a “symbolic union of church and state” (emphasis added) had been created or discrimination *among* religious groups had occurred or New York was making political decisions on the basis of Hasidic theology. The precise nature and location of the religion varied. Perhaps it was unimportant. The very effort at accommodation, the attention to the issue by the legislature, seemed to cause the New York courts disquiet.¹⁴ The dissents, however, have a similarly vague devotion to accommodation. They want to accommodate the Hasidic children but they cannot quite agree on what it is about them that deserves special attention. Both sides have difficulty identifying the object of their concern.

There is little agreement among these judges about whose religion the court should be concerned with, where the religion is located, or what it looks like when it is found. What exactly is Hasidic about the Kiryas Joel Village School District and what is religious

about being Hasidic? Kiryas Joel is a village incorporated (apparently constitutionally)¹⁵ under New York law. Does it just happen to contain a homogeneous population who happened to all settle together and want to go to school together or is the State of New York being used as a front for a theocratic government? What makes a school religious? Is segregation enough? How do you decide? Can you make such a decision without making “theological” and therefore possibly unconstitutional judgments? What are the rights of the children? These are very difficult questions.

The Supreme Court

The briefs filed in the Supreme Court by the parties and their amici¹⁶ restate and reframe the arguments made in the New York courts, again without addressing what it is that is religious about Kiryas Joel. The Brief filed by the Kiryas Joel Village School District in support of the New York statute, like those of the dissenting New York judges, argues in the alternative. Most of the brief, the first forty pages, focuses on the argument that this case is not about religion. This is not a First Amendment case, in fact. The handicapped children of Kiryas Joel are entitled under federal law to “free and appropriate special education.” The creation of the special school district facilitated the provision of these “wholly secular” services to handicapped children when it became impossible for them to use the services provided by the local school district for reasons having to do with the children’s psychological and emotional needs. This case is not about religion, they argue. It is about handicapped children.

In the alternative, however, and almost as an afterthought, Kiryas Joel also argues in a short three-page section at the end of their brief that the creation of the school district had, “at most, the effect of accommodating the needs of a community of devoutly religious people.”¹⁷ They seem to hope here (in this nod to the “accommodationists”) that being devout may entitle you to special constitutional attention.¹⁸ If the Kiryas Joel School District is not intensely secular, it is intensely religious. But the overwhelming message of their brief

is that this statute is facially neutral and the needs of the handicapped children of Kiryas Joel are secular.

There remains a strong sense, however, that we have been the victim of a sleight of hand. This is a community that describes itself as a “devoutly religious people,” that professes to believe that no part of their lives is too insignificant to be worthy of God’s attention. Modern secular culture and the separation of church and state is for the rest of us. Choosing to call the education of some of their children as entirely secular while having it remain acceptable to the community must be a careful call. One feels that the division between secular and sacred is here being carefully determined by Jewish law and that the language of such a determination may vary depending on whether it is an external or an internal issue.

Kiryas Joel’s lawyers move from a constitutional interpretation of the community to a sectarian interpretation of the community in a very slippery way. Separation of the sexes and segregation of the community are not halakhically prescribed, strictly speaking, so they argue they are not “religious” in some sense. That may not mean that, seen from the outside, separation and segregation are not in some sense regarded by the community as being part of God’s plan. Whose definition of religion does the Constitution attend to?

In startling contrast to the careful “secularism” of the Kiryas Joel brief are the *nine* Amicus briefs filed *in support* of the Kiryas Joel School District. Briefs were been filed by the United States Catholic Conference; the Rutherford Institute; the Christian Legal Society, the National Association of Evangelicals, the Southern Center for Law and Ethics and the Family Research Council; the Institute for Religion and Polity; the Southern Baptist Convention and the Christian Life Commission; the Knights of Columbus; the Archdiocese of New York; the National Jewish Commission on Law and Public Affairs; the American Center for Law and Justice and the Catholic League for Religion and Civil Rights. These are not groups seeking secular educations for their children. These briefs, with varying degrees of sophistication, present a frontal attack on current establishment clause jurisprudence as creating a presumption against religion. All of these

briefs urge the Court to take a “pro-religion” position on the First Amendment by endorsing an interpretation of the First Amendment that permits positive legislative accommodations of religion. They present an interesting mix of libertarian philosophy and evangelical Christianity. Their goal is state aid to parochial schools and more religion in public life generally. Sacred and secular are parsed differently here and the Kiryas Joel community is differently defined. But these amici have no doubt that what is at stake here are the rights of *religion*.

The contrast between the brief of Kiryas Joel and those of their amici highlight the Satmar community as un-American, un-American in its refusal to have its religiousness be a legal question. In other words, the residents of Kiryas Joel seem to feel that it is no threat to their standing with God to call their school secular. Their amici, on the other hand, and other accommodationists, strain to have their religiousness acknowledged and accommodated by the courts and the legislatures (not to mention the Internal Revenue Service) as if such an acknowledgment is a prerequisite to legitimate status as a religion. It is characteristically to the Supreme Court rather than to God that American people of faith look for that legitimation. They do not seem to be confident that if their religion is not recognized as such by the Supreme Court that it will still be a religion. The residents of Kiryas Joel seek redemption in another arena.

Louis Grumet and Albert Hawk, executives of the New York State School Boards Association, plaintiffs in the trial court and respondents in the Supreme Court, argue *in support* of the decision of the New York courts, that the purpose of the law creating the new district was indeed to accommodate the religious need of Kiryas Joel to remain culturally isolated and that such an accommodation is unconstitutional because the law effects the symbolic union of church and state. It also puts the governments in the position of affirmatively endorsing segregated education.

Amicus briefs in support of respondents were filed by Americans United for the Separation of Church and State, the American Jewish Council, the Anti-Defamation League, the ACLU, the National Council of Jewish Women, the Unitarian Universalist Association,

the Council on Religious Freedom, the National School Boards Association, the AFL-CIO, the National Coalition for Public Education and Religious Liberty, the National Education Association and the Committee for the Well-Being of Kiryas Joel. These briefs argue vociferously that creation of the Kiryas Joel Village School District is an unconstitutional establishment of religion. The rhetoric is strong and hostile. The actions of the New York State legislature are characterized as “religious gerrymandering,” resulting in “religious apartheid” and the creation of a “theocratic municipality.” The amici offer many additional “facts” about the control of the *rebbe* in Kiryas Joel over the municipal government, including restrictive covenants with respect to sale and lease of property and the requirement that any new resident contribute \$10,000 to the congregation in advance as a condition of admission to the community. In response to the claim of petitioners that the school is entirely secular, the brief of the Coalition for Public Education and Religious Liberty replies:

But if it is “very significant” that the school has no mezuzahs, it is equally significant that mezuzahs are publicly and fully displayed on both the exterior and interior doors of the Kiryas Joel Municipal Building. Indeed the Municipal Building at Kiryas Joel contains not only the “secular” Water Department and Head Start Program, it also contains the offices of the sectarian United Talmudic Academy Torah V’Yirah and the Mid-Hudson School of Judaic Studies. Kiryas Joel’s Mayor, Leopold Lefkowitz, no doubt finds it convenient to have the municipal offices and the yeshivah offices combined because, as he acknowledged in his deposition, not only is he the Mayor of the village, but he also serves as President of the Congregation Yetev Lev D’Satmar and as President of the United Talmudic Academy Torah V’Yirah.¹⁹

The Amicus briefs supporting Respondents come close to saying that the very existence of the village of Kiryas Joel is unconstitutional because in Kiryas Joel church and state are merged.

Justice Souter’s opinion for the majority in the Supreme Court affirming the decision of the New York Courts says that the constitutional flaw in New York state’s action was in the delegation of political power to a group defined on religious criteria. The goal of the establishment clause, Souter repeats, often, is neutrality, neutrality

with respect to religion and as among religions. The word neutrality is mentioned twenty times in a relatively short opinion. By allocating political power on a religious criteria, by creating a school district for Hasidic Jews, New York had failed to act neutrally. Justice Souter does not address whether it is appropriate to describe Hasidism or Kiryas Joel as religious. He simply asserts it, beginning the substantive part of his opinion with, "The residents of Kiryas Joel are vigorously religious people. . ." ²⁰

Justice Stevens, concurring, accuses New York State of "affirmative state action in aid of segregation," and recommends that an appropriate remedy would have been to teach "their schoolmates to be tolerant and respectful of Satmar customs." ²¹

Justice O'Connor's concurring opinion is somewhat different. She is concerned here as she has been in previous establishment clause cases about equality, political equality: "one's religion ought not affect one's legal rights or duties or benefits." ²² "[T]he government" she says, "generally may not treat people differently based on the God or gods they worship or don't worship." ²³ Permissible "accommodation" for her means accommodation based on the "deeply held beliefs" of individuals—such as in the case of conscientious objection—not on "sect." The evil she sees is discrimination which is "sectarian" which creates political inequality among groups.

All of the majority in the Supreme Court is concerned about government benefits flowing to those who are identified for that purpose by a religious label, and "religion" for them means sectarian. They are concerned about the government dividing the community by sect. But none discuss what is sectarian about Hasidism. The religious nature of Hasidism is simply assumed. All of the majority also pays lip service to accommodation. To different degrees each concedes that legislative accommodations of religion are sometimes appropriate. Examples they point to are prison and military chaplaincies, exemptions from certain labor laws, from oath-taking, from military service, or from narcotics laws. In distinguishing the *Grumet* case as involving an unconstitutional line-drawing based on religious criteria it is hard to see how these other "accommodations" do not do the same thing.

Justice Scalia filed a vituperative dissent, joined in by Chief Justice Rehnquist and Justice Thomas. Scalia begins, as Justice Souter did, by simply announcing, without authority and without explanation, that the distinctiveness of the Satmar sect is a cultural rather than a religious characteristic. He then goes on to accuse the court of religious intolerance, even anti-semitism, because of its concern for the self segregation of this group. In response to Justice Stevens' concern about the state aiding in the isolation of the Satmar children, Scalia snidely and sarcastically replies, "So much for family values."²⁴ He calls Justice Stevens' opinion "a manifesto of secularism."²⁵ Justice Scalia, with the dissenters in the New York courts, wants to call the Hasidic Jews a cultural class—if that will work—but otherwise he, too, argues for an accommodation that permits special legislative attention to religious groups. It is the corporate existence of the religious group, rather than that of the individual, that he wishes to accommodate—the group's need for a self-contained identity and its right to perpetuate itself through the education and discipline of its members.²⁶

There are strongly contrasting views of what religion is in these opinions: Justice O'Connor's highly individualistic and almost anti-institutional concern with deeply held beliefs whether religious or secular, Justice Stevens' concern to build a tolerant and understanding multicultural community, and Justice Scalia's more communitarian concern with supporting parents in bringing up children in their own faith.

Can Religion be Accommodated Constitutionally?

Who is right? Is this case about religion or is it about special education? Does the New York law address the real needs of children by creating this school or does it turn over a state institution to management by a religious hierarchy for its own purposes? Why is it so difficult to decide? This case might be better understood as a collision between different versions of what it means to be religious.

The judges, the amici, and the residents of Kiryas Joel present different and conflicting identities, identities constructed using both legal and religious resources.

The Satmar *hasidim*, like all Orthodox Jews, define themselves by their observance of the 613 mitzvot, the laws of God. Their avowed purpose is to await the coming of the Messiah while observing his commandments with joy and punctiliousness. Their common object in designing their lives in Kiryas Joel seems to be to create a space using both Jewish and New York state law in which they can attend to their religious observances under the direction of their *rebbe*. The division of the world into the sacred and the secular is defined in this context by Jewish law, as their rabbis interpret it. The First Amendment for the residents of Kiryas Joel means being free to observe Jewish laws, as they interpret them.

The New York Courts and the Supreme Court majority want to fit the residents of Kiryas Joel into their own legal and religious worldview, a worldview that regards secular law and public schools as what we hold in common, part of our civic religion, if you will, and that regards particular religion as something private. While they may call their approach “neutrality” they cannot avoid labeling something as religious. The majorities wish to keep particular religion separate from public institutions. They are uncomfortable that the State of New York is being used to effectuate what they see to be the particular religious and legal ends of the residents of Kiryas Joel. The sectarian religiousness of the Kiryas Joel community threatens the secular religion of the public school and of the State of New York.

The judicial dissenters, too, believe that religion can be contained—accommodated and contained. Their major argument is that this law was about special education and that in that context it is appropriate that the cultural differences of children who are properly entitled under federal law to very special consideration should be accommodated, whatever their religious beliefs. It is enough for them that the school is apparently secular. But their underlying motivation seems to be more honestly represented in the briefs of the amici and the

codas to each of their opinions. The needs of religion should be specially accommodated by government.

The amici supporting the petitioners straightforwardly wish to remake the First Amendment to resacralize America. The crudest and perhaps the most revealing of the Amicus briefs filed in support of Kiryas Joel is the brief filed on behalf of the Southern Baptist Convention. In a cry reminiscent of the boy declaring the Emperor to have no clothes, the Southern Baptist Convention announces:

Respondents express their conviction about the importance of secular, heterogeneous pluralism with almost religious fervor, as if it were the official religion of public education.²⁷

Exactly.

Whose religion and whose law is to be accommodated? The religion and the law of public education or the religion and law of Kiryas Joel? Accommodation necessarily means drawing a line on religious criteria, a practice all of the majority deplors. Whether you are an “accommodationist” or a “separationist,” though, you have to have some way of locating the religion. How can a court decide what is religious about the Kiryas Joel Village School District? And whose opinion counts? Like other post-modern fundamentalisms, Hasidism is a complex phenomenon challenging any easy division between the political, the cultural and the religious. Courts cannot easily decide whether Hasidic separatism is religiously or culturally motivated without taking a philosophical position about the nature of religion and its relationship to culture.

On the whole American courts simply participate in, without examining, a discourse about religion that finds its origins in Enlightenment and evangelical protestant understandings of religion and its relationship to the state. That discourse regards a disestablished Protestant church as the model of what religion is. It is baffled by religion that does not fit the model. It is also unprepared to deal with those who frankly think disestablishment was a mistake.

What to call religious and where to draw the line between religious and secular is becoming increasingly difficult for American lawyers.

Just the fact that all of these cases are argued in the alternative by all of the lawyers and judges is evidence of the confusion. Both sides here, as in other establishment clause cases, present arguments that ironically do not finally depend on the action in question being religious. For the petitioners, whether the act is religious or not, it is constitutional. For the respondents, whether it is religious or not, it is unconstitutional.

Both seem uncertain of the ability of the label “religious” to stick. And rightly so. What was once secular is becoming religious and what was once religious is becoming secular. American Indians used to go to court to enforce treaty rights. They were perceived as political entities, the bearer of political rights, the victims of political oppression. Now they go to court to demand their First Amendment rights. They are seen and they see themselves as religious and as victims of religious oppression. David Koresh spoke the language of biblical prophecy but was treated as a psychopath who had taken hostages. A representation of the birth of a god was declared by the Supreme Court to be a secular symbol—a bit of harmless cultural tinsel.²⁸ Celebrating sacraments was declared not protected by the free exercise clause of the First Amendment.²⁹ A menorah erected by the Lubavitcher *hasidim* was found to be a symbol of cultural diversity not of a miracle.³⁰

This confusion is abundantly displayed in the *Grumet* case. Is Hasidic separatism religious or secular? None of the present theories of the First Amendment answer that question. After the decision in *Lynch*,³¹ the crèche case, an establishment clause case, and *Smith*,³² the peyote case, a free exercise case, many argued that the First Amendment had, effectively, been eviscerated. Although there is much to criticize in the opinions of the Court in both of those cases I think the argument can be made that they, and subsequent First Amendment cases, including this one, signal a shift, if a somewhat inarticulate shift, in the Court’s understanding of religion away from an Enlightenment/Protestant model to a more fluid and inclusive one in which religion and culture are seen as more intimately related,

and the Court is more reluctant to draw the line between sacred and secular.³³ That situation is far from being acknowledged, however.

Conclusion

Rethinking the First Amendment must begin with the acknowledgment that religion is a universal aspect of human culture, fluid and dynamic, distinctive yet changing, and morally ambiguous. While it may be a human characteristic to divide the world into the sacred and the profane, it is not easy to see how it would be possible to legislate such distinctions in a pluralist society. A community as homogeneous as Kiryas Joel has difficulty maintaining consistency and unanimity on the issue, even when presenting itself to the larger community.

Government *accommodation* of religion under the United States Constitution can only be about seriously acknowledging the universal tendency of human beings to create religion—to be religious—not about helping out particular religious institutions. Otherwise we will be picking out the religions we want to “accommodate” because they model behavior or ideals we strive for. If the government is to “acknowledge” religion it must also do so as a creation of human culture that, like all human creations, is deeply compromised. The First Amendment’s establishment clause prohibits government from endorsing any one group’s religious vision for exactly that reason.

On the other hand, acknowledging the universality of religion may also require acknowledging the religious nature of our public life and conceding to the Southern Baptist Convention that public education does have an official religion—a religion about American identity that we all have an obligation to participate in and to reinvent constantly.

Scholars of religion should be warier than they have been of becoming party to the promotion of the legal “accommodation” of religion in general or of any one definition of what religion is. Legislative accommodation of religion necessarily creates an establishment and establishment is prohibited by the First Amendment. The academic study of religion can make a positive contribution to this debate by inviting participants from the legal community into a conversation

about human religion that is already struggling with problems of definition and of language and that wishes to affirm the existence of human religion without establishing a particular definition of religion, without unconsciously theologizing. If the Supreme Court is *the* privileged location for public discussion of the relationship of religion to government in the United States, that discussion would be well-served by the participation of scholars of religion.

Washington & Lee University
Department of Religion
Lexington, VA 24450, USA

WINNIFRED FALLERS SULLIVAN

¹ *Bd. of Education of Kiryas Joel Village School District v. Grumet*, 114 S. Ct. 2481, 1994 US Lexis 4830 (1994).

² Robert Seltzer, *Jewish People, Jewish Thought: The Jewish Experience in History* (New York: Macmillan, 1980), p. 495.

³ *Aguilar v. Felton*, 473 US 402 (1985).

⁴ 1989 New York Laws, ch. 748.

⁵ *Grumet v. New York State Education Department*, 151 Misc. 2d 60, 63 (1992).

⁶ 151 Misc. 2d at 64.

⁷ 151 Misc. 2d at 65.

⁸ *Grumet v. Board of Education of Kiryas Joel Village School District*, 187 A.D. 2d 16 (1992).

⁹ 187 A.D. 2d at 33.

¹⁰ *Grumet v. Board of Education of Kiryas Joel Village School District*, 81 NY 2d 518, 536 (1993).

¹¹ 347 US 483 (1954).

¹² 81 NY 2d at 554.

¹³ 81 NY 2d at 557.

¹⁴ It is that uneasiness to which accommodationists point as evidence of overt hostility to religion on the part of government.

¹⁵ An argument can be made that the constitutional flaw lies in the incorporation of the village, in drawing the village's border along religious lines, not in the creation of the school district.

¹⁶ An Amicus brief is a brief filed, with the permission of the Court, by a non-party who has a "substantial interest" in the matter being litigated.

¹⁷ Brief for the Petitioner at 40, *Board of Education of Kiryas Joel Village School District v. Grumet*, No. 93-517.

¹⁸ They are not alone in this opinion. See, for example, Stephen Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (New York: Basic, 1993). See also, for a critical review of Carter's book: Winnifred Fallers Sullivan, "Diss-ing Religion: Is Religion Trivialized in American Public Discourse?" *Journal of Religion*, v. 75 (January 1975), p. 69-79.

¹⁹ Brief of Amici Curiae in Support of Respondents by the National Coalition for Public Education and Religious Liberty and the National Education Association, et al., at 16.

²⁰ 1994 US Lexis 4830 at 7.

²¹ 1994 US Lexis 4830 at 45.

²² 1994 US Lexis 4830 at 53.

²³ 1994 US Lexis 4830 at 51.

²⁴ 1994 US Lexis 4830 at 113.

²⁵ Ibid.

²⁶ The only case in which the Court has arguably recognized a corporate, as opposed to an individual, right to free exercise of religion is *Wisconsin v. Yoder*, 406 US 205 (1972).

²⁷ Brief of the Southern Baptist Convention Christian Life Commission as Amicus Curiae Supporting Petitioners at 14.

²⁸ *Lynch v. Donnelly*, 465 US 668 (1983).

²⁹ *Employment Division v. Smith*, 494 US 872 (1991).

³⁰ *Allegheny v. ACLU*, 492 US 573 (1989).

³¹ See footnote 28.

³² See footnote 29.

³³ That shift has continued in the most recent First Amendment case decided by the United States Supreme Court: *Rosenberger v. Rector and Visitors of the University of Virginia*, 115 S. Ct. 2510, 1995 US Lexis 4461 (1995).

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**“NO LONGER THE MESSIAH”: US FEDERAL LAW
ENFORCEMENT VIEWS OF RELIGION IN CONNECTION
WITH THE 1993 SIEGE OF MOUNT CARMEL NEAR WACO,
TEXAS**

LAWRENCE E. SULLIVAN

Summary

At the request of the United States Department of Justice and Department of the Treasury, the author reviewed the actions of Federal law enforcement agencies in Waco, Texas during the 1993 siege of the Branch Davidian religious community led by David Koresh, during which dozens of people died, including both federal officers and civilians. This article analyzes the views of religion which predominate among Federal law enforcement agents and which came to light during his review of the Waco incident. Federal agents did not regard religious belief as relevant to their dealings with the Mount Carmel community. Neither President Bill Clinton nor Attorney General Janet Reno raised the issue of religion in their policy discussions with the Federal Bureau of Investigation, not even during the review of the plans for the last day, when CS-gas was inserted into the community building before it burned. The article presents the relevance of religion to the development of the incident as well as the absence of reliable information about religion in the federal decision-making process. In a report published by the US Department of Justice, the author proposed recommendations to remedy these systemic failures.

“David, you have had your fifteen minutes of fame. . . Vernon is no longer the Messiah.” (Rep: 294).

One minute after high noon on Monday April 19, 1993, Federal Bureau of Investigation (FBI) negotiators broadcast this message over loudspeakers to David Koresh (also known as Vernon Howell) and to eighty-four Branch Davidian community members still alive in Mount Carmel on the fifty-first day of a standoff with US federal law enforcement agents. Six minutes later, fire broke out and raged wind-driven through the house. By 12:11, fire had spread through the entire building, to consume all inside.

For the six hours before the fire broke out, federal agents had forced CS gas into the building, following a plan approved by US Attorney

General Janet Reno, a plan about which she had fully briefed President Bill Clinton (Rep: 273). CS gas is a riot control agent which has been used by British troops in Northern Ireland. Its effects vary among individuals and with differing concentrations but the effects include: burning sensation in the eyes, nose, mouth, throat, and skin; intolerance of light coupled with involuntary contraction of eyelid muscles; tightness of the chest associated with gripping pain; involuntary breath-holding and shortness of breath coupled with coughing and sneezing; blistering; first and possibly second degree burns; and a feeling of suffocation. Effects occur immediately and last from five to twenty minutes after removal from the contaminated area (Rep: Appendix J). In studies of the effects of CS gas, exposure has mainly occurred in open areas and has involved adults. The effects of high concentrations of CS gas in enclosed areas housing children have not been subject to systematic study. Noteworthy is the fact that small children are incapable of using a gas mask, not simply because of the poor fit when the apparatus is applied to the children's face but because their lung capacity is insufficient to operate the mask properly.

Directed by Commander Rogers of the Hostage Rescue Team (HRT), who was giving orders from his Abrams M-88 tank, two other M-60 tanks specially equipped with injection systems shot fifty-foot streams of liquid CS gas into openings in the building, and four Bradley armored military vehicles fired 40 mm liquid-gas-filled rounds from M79 grenade launchers (400 rounds were on-site).

FBI agent Byron Sage broadcast the following message over the loudspeakers:

We are in the process of placing tear gas into the building. This is not an assault. We are not entering the building. This is not an assault. Do not fire your weapons. If you fire, fire will be returned. Do not shoot. This is not an assault. The gas you smell is a non-lethal tear gas. This gas will temporarily render the building uninhabitable. Exit the compound now and follow instructions. . . You are under arrest. This standoff is over. We do not want anyone hurt. Follow all instructions. . . Gas will continue to be delivered until everyone is out of the building (Rep: 286).

The stated plan was to begin with small infusions of gas and proceed incrementally over two or three days (Rep: 266, 280) in order to minimize and control gas concentrations (Rep: 267). Over such an extended period of time, according to the plan, life inside the building would gradually become more unbearable and the residents would be induced to leave their home. Action on the ground proceeded otherwise. In response to gunfire from inside the house when the tanks and armored cars approached, gas was inserted through all open windows and doors and the pace of the gassing escalated to such a degree that by 7:45 a.m.—an hour and forty-five minutes into the first day's activity—senior FBI officials requested FBI headquarters in Quantico Virginia to locate more liquid-gas rounds for the Bradley-mounted grenade launchers. By 12:00 noon, the M-60 tanks, which had been reloading their six gas cylinders (each containing liquid enough for 15 fifty-foot bursts of gas mist), had executed a total of six gassing operations in six hours (Rep: 294).

According to the official reports issued in October 1993, seventy-five Branch Davidians died in the building that noon, including thirty-three minors below the age of twenty-one (sixteen of whom were children five years of age or younger). The oldest Branch Davidian community member who died that day was the Canadian citizen Ray Friesen, age 76, whose body was found in the chapel. There were four senior citizens age 60 or older found dead in the aftermath. Like many others, Friesen died of smoke and carbon monoxide inhalation. Others died of burns or suffocation.

Not all Davidians died as a direct result of fire. At least fifteen, including seven females, died of gunshot wounds. No federal agents fired on the compound on April 19 nor did they fire during the fifty-day standoff. David Koresh, the group's leader, died in the communications room of a gunshot to the forehead, and Steve Schneider, Koresh's principal assistant who had taken courses in religious studies at the University of Hawaii, died in the same room of a gunshot wound to the mouth. In the closed bunker area, an infant was shot in the head and a 5-6 year old girl was shot in the chest. Also in the bunker, a 2-3 year old boy died of a stab wound to the chest and two

other minors died of blunt-force head injuries. Among the total of seventy-five Davidians who died on April 19, forty-two were female and twenty-four were male (the sex of the remaining number of individuals consumed in the fire was undetermined in autopsy reports). Nine Davidians survived and were arrested, using warrants prepared the previous weekend (Rep: 341), either to stand trial for conspiring to murder federal agents, among other charges, or to serve as material witnesses to crimes.

The armed standoff began in an explosion of violence on February 28, 1993 when the US Bureau of Alcohol, Tobacco and Firearms (ATF) assembled the largest force in its history and executed its largest raid. Some one hundred ATF agents charged Mount Carmel, a religious residence containing 125 people, in order to arrest David Koresh on federal firearms violations. The element of surprise was considered crucial to the operation, but was lost when postman David Jones, associated with the Davidian community, fielded a request for directions to Mount Carmel from a passing television news crew seeking to cover the event. Through an acquaintance of a TV station employee, the TV crew had received a tip “leaked” to them in advance about the raid. (Reporters from the *Tribune-Herald*, a local newspaper, had been tipped off weeks earlier about the raid by the ATF themselves and arrived at the Branch Davidian residence in three cars.)

Postman Jones alerted his friends in the Davidian residence and warned them of the approaching forces. An undercover federal agent, Roberto Rodriguez, who was inside the compound at that very moment, understood clearly that David Koresh and his assistants had been forewarned about the advancing officers. Rodriguez shook hands with Koresh, left Mount Carmel in a high state of anxiety, and informed his superiors that the operation was no longer a surprise. Nonetheless, the decision was made to go ahead and continue the “dynamic entry,” a decision that has been highly criticized in official reviews. Scores of ATF agents arrived in open trailers used for hauling livestock and ran out to take up assigned positions at various points around the house. There was no adequate contingency for

aborting the raid at this point. The cattle trailers provided no adequate cover nor could they be backed out of the driveway to escape. Gunfire broke out and escalated into heavy fire. Four ATF agents were killed: Conway C. LeBleu, age 30; Todd W. McKeehan, 28; Robert J. Williams, 27; and Steven D. Willis, 32. At least twenty federal agents were wounded (in some reports twenty-four were said to be wounded). Inside Mount Carmel, five Davidians were killed and an unknown number were wounded, including David Koresh.

During a cease-fire negotiated on that first morning of the initial raid, the ATF removed the dead and wounded officers and the US Federal Bureau of Investigation (FBI) assumed command of the operations. The cease-fire and stalemate continued over the next 51 days, during which time the FBI negotiators spoke with fifty-four individuals inside Mount Carmel and arranged for the departure of thirty-five Davidians (14 adults and 21 children). Between 250 and 300 FBI personnel were present in Waco at any given time during the siege, along with hundreds of officers and agents from other agencies. In all, over seven hundred law enforcement personnel participated directly in the operation (Rep: 2).

Texas Rangers recovered 305 firearms from Mount Carmel. They estimated that 1.9 million rounds of ammunition had either "cooked off" during the fire or been spent through firing (Rep: 309) and they found some 390,960 rounds of live ammunition (Rep: 311).

In June 1993, the US Departments of Justice and the Treasury asked me to serve on a special ten-member panel of experts who would review what happened in Waco. In the same months that our panel of experts was being briefed, separate fault-finding processes were set in motion by the Departments of Justice and the Treasury, under the direction of former US Attorney Edward S.G. Dennis Jr., Los Angeles police chief Willie Williams, the journalist and former Senator Edwin O. Guthman, and former chief Watergate prosecutor Henry S. Ruth Jr. Whereas these latter experts (Dennis, Williams et al.) were charged to assess blame for what went wrong in Waco, the experts on our panel were asked to make forward-looking recommendations, in the light of the Waco incident, to minimize the pos-

sibility that anything of the sort would happen again. In particular, we were to examine the quality of expert knowledge available to law enforcement as well as the role such information played in decision-making, in order to recommend changes that could help avoid any repetition of such disastrous outcomes in the future.

Did federal law enforcement agencies obtain adequate expert knowledge about religion in the course of the Waco siege? Clearly not. Did they utilize such knowledge about religion in making crucial decisions? The answer has to be a resounding, "No."

The reason for the negligible treatment of religion is this: federal agents did not view religious belief or behavior as information relevant to the situation. Judging by the opinions expressed by agents and law enforcement administrators during the review, it is unlikely that federal law enforcement agencies place any more importance now on knowing the religious beliefs and behaviors of groups they encounter than they did before or during the incident at Waco. Indeed, avoidance of knowledge about religion seems so ingrained that, in the hundreds of interviews and debriefings they conducted in the aftermath of these incidents, Waco investigators put no questions about religion to those who participated in the events.

This article examines only one among several possible topics. It does not focus, for example, on the beliefs and practices of David Koresh and the Branch Davidians. The balance of this article outlines views that are less often glimpsed and written about by scholars in religious studies: the prevailing evaluations of religion in federal law enforcement. Indeed, these views are not readily available to or written about by scholars. The evaluations of religion by US federal law enforcement agents came to light in the Waco-related briefings and interviews I attended at the Department of Justice, the Department of the Treasury and the Headquarters and Academy of the Federal Bureau of Investigation (FBI). They account for the lack of bona fide consultation about religion during the siege at Waco.

The ATF maintained that at no time before their raid on the Davidian religious community—the largest raid in their agency's history—did they consult a religion expert about the group's beliefs and prac-

tices (Sullivan 1993: 3). It seems that the ATF had gathered information from former Davidians before the raid, however, as well as from watchdog-groups who kept data on the Davidians as a "cult," but the ATF made no effort to have such information about religion screened or evaluated by religion experts.

For their part, the FBI took little or no initiative in contacting religion experts. Instead, agents took and, in some cases, returned phone calls from individuals who tried, *on their own motion*, to contact the FBI. The FBI had developed neither in-house expertise nor a file of outside experts to consult on religious matters, nor had the FBI developed any criteria to distinguish a religion expert from a quack. When the siege at Waco began, therefore, the FBI had no way of navigating the swelling pool of unsolicited information coming its way about religion and the Davidians. In general, the FBI commanders and decision-makers dismissed opinions that religion was an important operating factor.

They even diverted and eventually staunched the trickle of opinions coming from the FBI's own behavioral scientists. The Criminal Investigative Analysis division of the National Center for the Analysis of Violent Crime at the FBI Academy is the unit depicted in the film *Silence of the Lambs* and it has specialized in generating psychological profiles of serial killers and psychopathological perpetrators of heinous violent crimes. In their memos of March 5, 7, and 8, these behavioral scientists, most notably Peter Smerick, suggested that tacticians should take into account the Davidians' religious worldview. The behavioral scientists' views of religion, in general, were psychological and their views of the Davidians, in particular, were drawn from the unscreened information that the ATF obtained from former Davidian members, especially Marc Breault. Nevertheless, among all the documents and reports associated with the incidents at Waco, Peter Smerick and his colleagues were the only officials of any rank, from field agent to the Attorney General and President, to go on record as to the importance of the religious character of the Davidian community. Their early March memos underscored the relevance of religion to the operation, emphasizing especially Koresh's prophetic

theology of the seven seals of the book of Revelation. Here is an excerpt from one of the memos written over a month before the final conflagration.

He [Koresh] may have authorized this action [firing on the ATF agents instead of surrendering to them] to set into motion a chain of events which will verify, to his followers, that his interpretation of the scriptures, in particular, the seven seals discussed in Rev: 5:1-8:1, is correct; that the end is near. . . Koresh's arrogant, recalcitrant demeanor may be part of his scheme to manipulate law enforcement commanders, so as to provoke a confrontation, in fulfillment of his interpretation of the 7 seals. . . The fourth seal is death. We are approaching this 4th seal and it would appear that we may unintentionally make his prophecy come true, if we take what he perceives to be hostile or aggressive action . . . a mass suicide ordered by KORESH cannot be discounted. . . Instead of moving towards him, we consider moving back . . . this will show that he was wrong.

By March 9, it had been made clear to Smerick that his message was not welcome. Though he was on-site in Waco, he was instructed to route his memos through the bureaucracy and not submit them directly to commanders in Waco. In disgust, Smerick left Waco and, eventually, the FBI. No more talk of religion issued from the behavioral scientists. After March 11, when Attorney General Janet Reno took office, senior incident commanders put more aggressive measures in place (such as turning off water and electricity) in order to "tighten the noose" on the Davidians.

Even if the Branch Davidians (offshoots of Seventh Day Adventism) may not represent religious life in many American communities, the reaction of public officials and enforcement agencies may signal the low value placed on religion as a public matter: reduction to private readings, individual concerns, and "unconventional" behavior. The risk is that, in trivializing religion as a motivation, government officials diminished their capacity to understand the motives and actions of citizens.

Difficult as it may be to believe, religion as an issue was given little consideration in the formation of policy or strategy in Waco. The ATF denies consulting religion experts prior to the February 28 raid (though they did gather information about the community's beliefs and practices from former members, especially Breault). Neither the

ATF nor FBI, nor any other federal law enforcement agency had cultivated systematic expertise about religion within its ranks. They did not have any list of outside experts or consultants to turn to when religion is an element at issue in decision-making. No internal training programs raised the relevance of religion at any level. In the training curricula for the more than 70 federal law enforcement agencies trained by the Departments of Justice and the Treasury (chiefly at the FBI Academy in Quantico, Virginia and at the Federal Law Enforcement Training Center in Glynco, Georgia) there is no treatment of religion as a relevant issue.

The absence of any consideration of religion as a constitutive factor of social life makes it easier to understand why, at the very time when the religious reading of reality became more pressing for David Koresh and the Branch Davidians inside their Mount Carmel home, federal law enforcement officials attended less to religion as a motive for Davidian words and actions. As the crisis escalated, Koresh and the Davidians became ever more given to religious language and interpretation. The FBI commanders became ever more fed up with and dismissive of what they called "Bible babble." In what proved to be the last days before the final conflagration, Koresh intensified his theological articulations, writing the beginning of a treatise on the seven seals of the apocalypse. Here he set about to give his reading of history and the place of his group and himself in it. He calibrated Passover and its significance, dictated letters larded with biblical references and theological interpretations. In his reading the federal siege itself was a dramatic sign of imminent apocalypse. Indeed, the whole build-up of an armory, which led the ATF to Mount Carmel of February 28, may have been a response to the actions of law enforcement officers who carried on a three-days-long session of target practice within earshot of Mount Carmel in March 1992. Koresh took this to be a "brazen" show of force and an ominous sign of the impending apocalyptic showdown between the federal forces of evil and his own assembled forces of good. From the very outset until the bitter end, then, law enforcement agencies played scripted roles that they neither knew nor cared to know.

No expert in religious studies was asked to review Koresh's religiously charged communications, not even his final letters. FBI discussion with individuals who had an interest in religious studies was limited to a few stray callers who initiated contact with the FBI. The lack of adequate consultation was surprising, since there had been official assurances to the public that there were consultations with "cult experts." Since the fiery end to the stand-off, assurances of the sort have been made by Attorney General Reno, President Bill Clinton, and senior law enforcement officials. As recently as July 5, 1995, on the national television news program *Nightline*, Jeffrey Jamar, the FBI Special Agent in Charge who served as overall on-site commander in Waco and who has since retired from the FBI, asserted that federal law enforcement agents had consulted "all sorts of theologians and religion experts." How so? Who were these "experts" and how were they consulted?

The official report claims that "the FBI did use religious experts and theologians to a limited extent during the standoff. . . but most of those contacts resulted in little useful information" (Rep: 186). The report lists seven such "religious/theological experts" (Rep: 186), presumably the individuals on whose advice the FBI drew most.

Notwithstanding the list of seven, little or no bona fide consultation with genuine experts took place at all. Let us use the report's account of the FBI contact with Dr. Glenn Hilburn, Chair of the Department of Religion at Baylor University, to illustrate the problem:

"The FBI consulted more frequently with Dr. Hilburn throughout the standoff than any other theologian. Dr. Hilburn made his entire staff of 23 available to the FBI, and he and his staff had frequent contact with the negotiators and the commanders. Baylor University has one of the largest 'cult' reference and research facilities in the country. It also had the advantage of being located nearby in Waco" (Rep: 189).

In my conversation with Dr. Hilburn several factors came to light to redraw the picture a reader might form of FBI agents initiating robust consultations with Dr. Hilburn and his twenty-three faculty members or poring over a research library on "cults." In the first

place, it was Dr. Hilburn who called the FBI in order to put them in contact with his expert faculty. He asked, in the second place, as a matter of protocol and good order, that he be notified when the FBI wished to contact one of his faculty members. No such contact was ever made. Dr. Hilburn insisted to me that, since he was neither a theologian nor a Biblical scholar (though he did loan agents some Biblical commentaries of his own), he pleaded with the FBI in each subsequent conversation to make contact with members of his faculty who had Biblical expertise as well as knowledge of the Branch Davidians. To his knowledge, the FBI never followed up on his urgent suggestions that they contact genuine experts in the points at issue. Whether or not Baylor University actually possesses an especially large research library on "cults," it appears that the books were at that time being transferred from one facility to another and were consequently boxed and unavailable for use by the FBI.

More curious is the inclusion of Dr. Philip Arnold of the Reunion Institute in Houston, Texas as an expert consulted by the FBI. I met with Dr. Arnold. He has published a record of his experience at Waco. He did everything he could imagine to gain a hearing from the FBI, going so far as to enter one of their press conferences to question them about their understanding of the Seven Seals Koresh was discussing (Arnold was ejected from the pressroom), but to no avail. Ingeniously, Dr. Arnold and Dr. James Tabor, both specialists in the eschatology of the Second Temple period, caught the attention of the Branch Davidians by airing their discussion of the biblical theology of the Seven Seals on a local radio station that the Davidians followed. Only when Steve Schneider (Koresh's assistant) requested a taped copy of the March 17 program did the FBI see that Arnold's tape was brought to the Davidians by their lawyer, Dick De Guerin. Both Arnold and Tabor expressed to me their frustration at the inability to communicate with the FBI in spite of their strenuous efforts. Arnold's is the first name on the list of experts contacted by the FBI (Rep: 186).

The other five contacts with "experts" are even more incidental and fruitless than those with Hilburn and Arnold. Michael Haynes of Dallas, Texas, for instance, offered to negotiate directly with Koresh

by promising to convey Koresh's message to the world. The telephone conversation consisted in the FBI declining such an offer. Can this qualify as a consultation with an expert? In another phone call listed as one of the contacts with religious/theological experts, two pastors in Bowling Green Kentucky, Robert Wallace and John Fredericks, advised the FBI on March 30 to consult experts in eschatology. The FBI did not heed their advice, but the phone call itself is listed among the seven contacts with experts.

The degree of consultation with experts brought to light in official reports is minimal and cursory. Contacts occurred by happenstance rather than by relevant competence. Whatever contact with volunteers there may have been initially, it was found increasingly irrelevant as the noose tightened. In the end, however, the intense theological commitment of Davidians to Koresh and his religious ideas may better explain what happened than the FBI picture of Koresh as a dissembling con man and his followers as psychologically weak but religiously uncommitted sheep.

The final letters from Koresh were transcribed onto 14 handwritten pages by Judy Schneider, Steve Schneider's wife. Like other wives and daughters at Mount Carmel, Judy Schneider, with the permission of her husband, had sexual relations with Koresh and bore him a child. Koresh's letters in her handwriting were delivered to the FBI on April 9 and 10. They consist of page after page of biblical citation and exegesis along with leading questions about the meaning of key phrases and concepts (often underlined for emphasis). Presumably these pages outlined Koresh's current theological position and his followers' commitment to it.

I begin to do my "strange work", "a work you will not believe though it be told you" Isaiah 28. . . "the seals will either save you or destroy you. . . The fire of thine enemies shall devour them." Isaiah 26:11. . . I warn you, do not hurt My Lamb (Psalm 2). For out of His side will come "bright beams". . . Show mercy and kindness and you shall receive mercy and kindness!. . . You have a chance to learn My salvation. Do not find yourselves to be fighting against me. . . My *hand* made heaven and earth. My *hand* also shall bring it to the end. Read Psalm 50 and learn to be wise. Respect your brother David and those who have learned of Me from Him. . . Please listen, show mercy and learn of

the marriage of the Lamb... Who are you fighting against? The law is mine, the truth is mine... Will you turn back the punishments of *My* hand? No!... Do you know *My* seals? Do you dare call Me a liar? Look and see into my "right hand" *I AM* your life and your death... Look and see, you fools, you will not proceed much further... Do you think you have power to stop *My* Will? I have told *My* prophets regarding "time no longer." *My* "seven thunders" are to be revealed (Revelation 10:7). Is it your judgment that time is not now?! Your judgment will not stand. Read Psalm 2. Do you want me to laugh at your pending torments?... I will surely show you the meaning of Psalms 18, unless you open your eyes and not your mouth. Fear Me and "the hour of *My* judgment," for it has come... Learn from David *My* seals or, as you have said, bear the consequences. I forewarn you, the Lake Waco area of Old Mount Carmel will be terribly shaken. The waters of the lake will be emptied through the broken damn (sic). The heavens are calling you to judgment. Please consider these tokens of great concern.

Koresh then (again) adds lengthy quotations from the Book of Revelation, chapters 19 and 20 and Psalm 45, including:

And I saw heaven opened and beheld a white horse; and he that sat upon him was called Faithful and True and in righteousness he doth judge and make war. His eyes were as a flame of fire... And I saw an angel standing in the sun... And I saw the beast and the kings of the earth and their armies gathered together to make war against him that sat on the horse and against his army, and the beast was taken and with him the false prophet that wrought miracles before him... These both were cast alive into a lake of fire burning with brimstone and the remnant were slain with the sword of him that sat upon the horse... Hearken, O daughter, and consider, and incline thine ear: forget thine own people and thy father's house. So shall the king greatly desire thy beauty: for he is thy Lord, and worship thou him... the virgins her companions that follow her shall be brought unto thee. With gladness and rejoicing shall they be brought: they shall enter the king's palace. Instead of thy fathers shall be thy children thou mayest make princes in all the earth. I will make thy name to be remembered in all generations: therefore shall the people praise thee for ever and ever.

K.J.V.

These dictations provide biblical interpretations of Koresh's wounds. In the light of the chosen Biblical quotations, Koresh's injured hand and side appear as wonders of power and not weakness. Arguably such exegeses were being worked out for the benefit of Koresh's fol-

lowers, at the very least his scribe Judy Schneider, mother of his offspring and wife of his right-hand man.

These letters were included in the briefing documents presented to Attorney General Reno for the culminating decision to insert gas into the compound. On April 18 President Clinton was also fully briefed (Rep: 273). In the briefing documentation, the letter plays the role of a last straw, measuring Koresh's intransigence and provoking the FBI to escalate their intervention. But there is no acknowledgment of its thoroughgoing religious content, worldview, and significance. In answer to my questions, I was informed that religion was not an issue of discussion in the final briefings or decision-making policy meetings of the Attorney General, President or other senior officials. Still, it is clear from the published official report that discussion of the Seven Seals played a key role in a two-hour telephone discussion that Acting Associate Attorney General Webster Hubbell held with FBI negotiator Byron Sage on April 15. Nearly one month earlier agent Sage, a born-again Christian, had had a heated discussion with David Koresh about the book of Revelation and the interpretation of the Seven Seals. For Sage the conversation was a turning point in the process of the stand-off. Sage referred to the conversation as "the Dutch Uncle" conversation and in it he felt that he succeeded in demonstrating that Koresh's was not the only way of interpreting the scripture. A loudspeaker system was then erected by federal agents to broadcast the taped theological conversation into Mount Carmel so that Koresh's followers could hear an alternative explanation of the scriptures. (Later the sound system was used to broadcast disconcerting sounds, including Tibetan Buddhist monk chants). In the final days before the April 19 fire, the conversation about the Seven Seals between Hubbell and Sage was key to ruling out all non-lethal options for action other than CS gas (Rep: 270).

With theology and Biblical quotation being expressed at every turn, how is it, then, that there was a general lack of regard for religion as an issue on the part of federal law enforcement?

The agents' resistance to the suggestion that a knowledge about religion is valuable seems overdetermined in several ways. Lack of

familiarity with religious motivations and behaviors allowed some of the agents interviewed in the course of my review to hold the view, for instance, that each group with whom they come into contact is *sui generis*, a religion unto itself. In this view, no amount of previous study or familiarity with religious history would help when such groups come into conflict with law enforcement. Similarly, other agents interviewed at the FBI Academy in Quantico held that once law-abiding religious groups with traditional religious patterns fall into conflict with law enforcement, they spin from their traditional moorings, their behavior becomes less patterned, less familiar, and more likely to lurch into unpredictable action. The crisis itself precipitates a "new religion" never seen before. In such precipitous circumstances, the agents theorized, "religion" only serves as a cover-language or disguise for criminal activity. In such cases, no amount of study of religion would help, since it is a new, unpredictable "religion" that evolves out of the situation of conflict itself. The encounter with law enforcement becomes the determining context, not the context of a religious tradition.

Still another view that overdetermined resistance to examining religion was a variation on the theme of the *sui generis* character of the religious groups: many believers claim to join groups like the Branch Davidians because of the unique views presented by a figure like Koresh. According to this line of overdetermined reasoning, no religion expert would have knowledge about this heretofore unseen, unique religious view. It exists only in the head of an eccentric, irrational individual. Therefore, it is fruitless to consult with religion studies experts. Agents interviewed seemed unaware that such circumstances as the transformation of traditions into new movements and the claims to uniqueness (as well as the interpretations the agents themselves held of these circumstances) possess a long history, which has been the subject of study in order to discern patterns in it.

The fact is, without taking into consideration the religious motives of the actors, the attitudes and actions of the participants is miscast in the terms of a "hostage and rescue operation." The dispositions of religious "non-hostages" do not fit the present action-models of units

like the Special Weapons and Tactics (SWAT) teams and Hostage Rescue Teams (HRT) and thus present a conceptual mystery and a tactical problem for law enforcement. Not fearing death or the danger to themselves, the very presence of religious devotees in the crisis becomes a hazard to agents bent on “rescuing” them during the siege.

The mismatch of “rescue” concepts and “hostage” terminology to the actual religious situation of devotees dedicated to staying where they are is a measure of the need for a new paradigm, a new way of thinking about these situations. The tendency to think of religion as a largely private concern leaves analysts unaware and unprepared for the manner in which religion mobilizes groups into communities of coordinated actions, whether those actions be liturgical spectacles, mass movements, or militaristic operations.

A privatized notion of religion underlies another overdetermined reason for resistance to religious studies. Law enforcement agents said they did not see the value of exploring religious motives because there could be as many religious motives as there are individuals. Religion was a unique and private affair and only indirectly linked, through elaborate private rationalizations, to public actions that come into conflict with the law. These agents tended to overlook the way in which religion, through its dense symbolic expressions and interpretations, bundles together individual motives—sometimes even contradictory understandings—into highly energized communities with shared goals and actions.

Lack of careful knowledge about religions among law enforcement agencies may reflect a broader cultural ignorance about the nature, role, and importance of religion echoed in other realms of public policy and cultural analysis: corporate boardrooms, congressional staff, newsrooms of media networks and newspapers.

In response to suggestions that the Departments of Justice and the Treasury foster better knowledge about religion among federal law enforcement agencies, agents I met with voiced reluctance to factor religion into their consideration of groups such as those in Waco and resistance to building more reliable resources of knowledge about

religion. The following were the most frequently cited reasons to fend off any suggestion for fostering better knowledge about religion:

1. Expert consultants need to be acculturated to the world of law enforcement before they can be useful; religious studies experts are not acculturated to law enforcement needs and modes of operation. Though this concern reflects the practical wisdom that advice is taken best when it is delivered in familiar and accessible terms, it also reflects the natural tendency to take outside advice mostly when it confirms opinions already held and introduces no new or troubling perspectives. Since there are no pools of expert consultants from religious studies currently cooperating with federal law enforcement, this argument is a self-fulfilling prophecy that prevents religious studies experts from gaining the acculturation that renders their advice most valuable and credible.

2. There are legal constraints on intelligence gathering, especially surveiling law-abiding religious groups. Resistance on these grounds arises from the conviction that each religion is a singular manifestation incomparable to any others. In fact, many patterned features have been noted in the worldview and practice of religious groups, in the psychology of religious leaders and the behavior of their devotees, and in the organization of social groups. To know more about religion does not require transgressing the law to gather intelligence. University curricula in religious studies are grounded on information publicly available in libraries and bookstores.

3. Troublesome leaders of "cults" are not genuinely religious people but con men leading dupes. Many agents expressed this view that Koresh did not believe the religious ideas he preached to others. His followers, being psychologically vulnerable, were conned by his strong personality. In several briefings agents expressed the view that, in their line of work, "religion was often only a cover"—a dodge or smoke-screen for paranoid behavior, criminal pathology, derangement, or self-interested non-religious pre-existing motivations. It is possible that a view like this is widely shared in the federal enforcement agencies and perhaps even by the public at large. Still, it is not clear what process of evaluation, as a matter of standard

operating procedure, leads to this conclusion. That there be such a process of evaluation in cases like Waco seems crucial. By not taking the role of religion seriously in the first place, events at Waco arrived at predictable results overdetermined by blind spots in the process itself: the dismissal of religion as an issue, against all appearances to the contrary, led agents to underestimate the deep-seated religious motives of the leader and the followers. As a result, they failed to anticipate the religiously-motivated responses to their own interventions.

4. Is religion too good for criminality or too irrelevant? Some of the attitudes of federal agents toward religion in our discussions were surprisingly personal. Two opposing attitudes toward religion surfaced throughout our briefings. Taken separately as well as together, these opposing attitudes could contribute to the inclination not to take religion seriously into account. One view thinks of itself as sympathetic to religion and sees authentic religion as too good to be involved in conflicts with the law, thus sparing authentic religion from the taint of criminality. The second view holds itself to be more secular and less sympathetic toward religion. In this second view, religion is a spent historical force, whose irrationality and misplaced concreteness can better be explained in non-religious terms—economic or psychological terms, for instance. Thus, in this latter view, there is no need to consider seriously religion *in se* as a shaper of social reality. The first, more sympathetic, view of religion is motivated by a wish to preserve the softness of religion, not believing that religious convictions may bring individuals into harsh conflict with the law. This view may prove to be short-sighted in the light of even recent revolutionary confrontations of religiously motivated groups with the legal establishments of Eastern Europe, India, and the Philippines (never mind historical movements in so many venues). It may be blind as well to the role of religion in protests against the legal status quo in the US, from the abolition of slavery and the restoration of civil rights to minorities, to abortion. In order to safeguard the rights of religious citizens to act freely in the public square, there may be a need of a better understanding of the role of religion in society on the

part of federal law enforcement. The second view, less sympathetic toward religion, also trivializes religion by recasting religious motivations as essentially non-religious ones, translating religious claims into languages of self-interest which are only political, economic, or psychological in nature. Waco and incidents like it indicate that this view may be misguided.

5. Focusing on religion as a central aspect of law enforcement crises created conflicts with personal views and emotions. Some agents stated bluntly that religion was the subject most likely to eliminate objective distance from decisions called for in a crisis. When religion is at issue, unlike other topics, they said, it proved most difficult to sort out personal views from more objective opinions, because religion dredges up strong emotions, basic orientations to values, and personal feelings toward religion. Probing religious motives and realities also awakens disturbing residual commitments or resentments. Having been educated in the rigorous religious school system of a denomination he still embraced, for example, one agent claimed it was difficult to sustain a defensible distinction between his religious education, which he still cherished, and the coercive acculturation children received in Mount Carmel. Why should one be approved of and the other be styled as abusive indoctrination, brain-washing, or mind control, the agent asked? He found the question and the arbitrariness of any answer disturbing and challenging to fundamental assumptions about his own character formation. Not a direction to take in the chaos of a crisis.

6. Federal law enforcement agents tended to blur the categories of study about religion and devotion to it. When tacticians raised the possibility of enlisting help from religious studies experts in the course of negotiations, the suggestion was taken to mean a call for involving clergy in negotiations and was waved off with allusions to the ineffectiveness of clergy in speaking to potential suicides.

7. Agents believed that personal study is sufficient. Some agents held that there were enough agents interested in the study of religion for personal reasons and that these individuals served law enforcement needs sufficiently. The problem is, without any scrutiny or

coordination of such homegrown expertise, how reliable is unmonitored self-study? Is such personal knowledge comprehensive enough to serve as a strategic resource for federal agencies with nation-wide responsibilities? It does not appear that information on those agents who have cultivated their knowledge about religion has been gathered and coordinated into any database available to law enforcement. At the least, such a step would be helpful to those who must try to locate special knowledge in a time of crisis.

Unlike the agents' high awareness of the relevance of certain subjects of study, such as psychology and its subdivisions, agents seemed less aware that religious studies was a field distinguishable from seminary studies of theology or the bible.

In the aftermath of Waco, Deputy Attorney General Philip B. Heymann proposed changes in federal law enforcement training, operations, crisis management, and policy to reflect the need for a better understanding of religion. "Our religious studies experts point out that law enforcement can easily undervalue the strength and sincerity of the convictions of people whose beliefs are not familiar. Often religious and political motivations and their likely effect on behavior are crucial factors in law enforcement decisions. . . I recommend a careful review of the adequacy of training in light of the recommendations of our religious studies experts" (Les: A-12). "[O]ur training of law enforcement agents [should] include material designed to alert agents to the potential importance of differences in views among Americans on such subjects as religion and political ideology. Those who provide this training should themselves become expert in the range and diversity of beliefs held by Americans—including the more unconventional beliefs—and should be available for advice when events like this occur. As to particular groups, like the Branch Davidians, we should consult with academic scholars for detailed information that may be useful to negotiators or others. But this requires us to be able to identify, in advance of the event, reputable experts who are willing to help, so that we may quickly turn to them for advice. For this, federal law enforcement must, our experts urge, begin to make contact with a wide range of experts in the social sciences—from

religion to sociology to psychiatry—so that we can very promptly enlist their assistance when needed.” (Les: 11). Regarding crisis management, Heymann insisted that the FBI depart from its strong tradition of assigning command of an incident on the basis of territorial jurisdiction alone. He urged that a select group of senior field commanders, trained to call upon special experts, be assigned to command. Furthermore, Heymann recommended that new protocols be developed for crisis and negotiation situations which would integrate input from relevant experts (Les: A-11). Most importantly, perhaps, Heymann urged that processes for managing crises be developed which would ensure that the on-site commander would be made aware of the full range of strategic options and their consequences (Les: A-11), as evaluated also by social science and relevant academic experts. He further recommended that major policy decisions by the expert field commander be reviewed by authorities at the highest level—the Director of the FBI and the Attorney General (Les: 12)—and that high-ranking officials be held accountable for the results (Les: A-5). Whether Heymann’s recommendations will ever be fully implemented remains an open question. His resignation was accepted by Attorney General Reno some time after Heymann’s recommendations on Waco were filed. A general lack of “good chemistry” between them was cited as the reason for his departure.

The goal in fostering more and better knowledge is to increase the capacity to make the best informed, most responsible decisions called for in time of need. Cultivating more adequate knowledge of religious studies will focus thought, provide options to consider in times of crisis, and furnish an additional vocabulary for analyzing and interpreting human motives, ideas, and actions. Waco has brought to public attention, with unusual force, the need to rethink the way law enforcement will deal with religious groups.

The US House of Representatives held hearings to review the Waco incident in the summer of 1995. Waco may prove to be one of those incidents which is periodically re-aired because both the end results and the means of arriving at them prove inherently unsettling and unacceptable. Even as the House of Representatives was conducting

its hearings, US Senators vowed to take up a Waco investigation of their own in the future. The Waco incident is widely believed to be a rallying event in the mobilization of civilian militias in the United States. There is a question whether the bombing of a Federal Office building in Oklahoma City on April 19, 1995 is linked to the incendiary end of the Waco standoff that took place exactly two years earlier.

Because of the inability to render a fully satisfactory account, Waco is not likely to receive a final accounting soon.

Harvard University Center
for the Study of World Religions
42 Francis Avenue
Cambridge, MA 02138, USA

LAWRENCE E. SULLIVAN

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BOOK REVIEW

WINNIFRED FALLERS SULLIVAN, *Paying the Words Extra. Religious Discourse in the Supreme Court of the United States*—Cambridge, MA: Harvard University Press (distribution for the Harvard University Center for the Study of World Religions) 1995 (212 p.) US\$ 24.95, ISBN 0-945454-06-6 (cloth); US\$ 14.95, ISBN 0-945454-07-4 (paper).

What a marvelous title for such a splendid book. If Humpty Dumpty had to pay words extra because he employed them in extraordinary ways, surely the Supreme Court and American people will have to do the same as they struggle with the meaning and the role of religion under the conditions of the American Constitution.

This is an unusual book—required reading for all students and practitioners of law and of religion. It brings to the discussion fresh insight and a clear agenda. Her method reflects her dual training in law and in graduate work in religion. She begins with a highly informative and carefully nuanced analysis of the relation between law and religion with particular attention to the American scene.

She employs the case method as she turns her attention to the crèche case, *Lynch vs. Donnelly* and proceeds to rehearse, analyze and critique the three major opinions of the justices in light of the generalizations she articulated in her discussion of law and religion. Further, she engages in a comparative analysis of chief justice Warren Berger's *Lynch-Donnelly* opinion with that of the Japanese Supreme Court on a similar problem. In that the Japanese Constitution was written by American lawyers under the aegis of General MacArthur, this offers a fascinating comparison.

Professor Sullivan has a clear agenda. She intends to help create a new public climate in the American context so that a fresh public discourse on law and religion can emerge. Convinced that the present situation with regard to the religion and state question is fraught with danger and frustration, she lays bear the reasons for the impasse and offers provocative and stimulating suggestions for the first steps in a new direction. The problem is the way the experts, both lawyers and religionists, and the public at large

understand and think about religion. The way the law has been cast in our constitution and the way it has been interpreted present problems enough, but the way all Americans think about and understand religion exacerbates the situation considerably. Though religion in some sense transcends culture, it is embedded in culture, carried through it and so in that sense created by it. Sullivan argues that the history of religions discipline offers the best possibility of coming to grips with the religious dimension of human experience so that religion can be seen “as universal, as dynamic, as embodied, as dangerous, and as a location for the critique of modernity. . .” (34)

Her analysis of the three justices’ opinions in the *crèche* case demonstrates that there are at least three utterly different views of religion at work. In itself that is not a bad thing, but the problem is that these conceptions are unacknowledged. Acknowledgement is a key concept for Sullivan, both in relation to others and in relation to self. In a highly complex and pluralistic culture in which religion and law have changed along with culture, as they always do, it is imperative that human beings be aware of that fact.

If American culture is to navigate the treacherous waters of the twenty first century, it is necessary that it have a better understanding of religion of law and its mutual interrelatedness. That understanding must be richer, more complex, more open, more subtle. It must reflect the total reality in which humans in general and Americans in particular now live. From whence can this come? Sullivan argues, convincingly, that it must come from the education and practice of lawyers and religionists so that in concert they will help to create a new discourse which will become central to the public square. My one worry about this otherwise laudable vision is the role of the public media. Perhaps their role in the discourse is equally important to that of the lawyers and religionists. Unfortunately, they are even less informed on the issues under discussion. Perhaps Professor Sullivan’s splendid book will provoke a discussion in this area as well.

The University of Chicago
Divinity School
1025 East 58th Street
Chicago, IL 60637, USA

JERALD BRAUER

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CONTROLLERS AND PROFESSIONALS: ANALYZING RELIGIOUS SPECIALISTS¹

JÖRG RÜPKE

Summary

Based on a critique of Joachim Wach's typology of religious authority, the article attempts to describe religious specialists as agents of control within their religion's symbolic universe. Special attention is given to processes of professionalization.

0. Introduction

Whereas the external perception of religions is very much determined by their functionaries, religious specialists have received only limited scientific scrutiny. In describing these specialists, historians of religion frequently use a typology comprising terms like "priest," "prophet," "shaman," "healer," "magician"—terms that mostly derive from specific cultural contexts but are used transculturally. Thus, these types are defined by certain functions and performances that sometimes are embarrassingly missing from the culture just analyzed. Furthermore, as will be shown in analyzing the typology of Joachim Wach, a coherent scale or principle in constructing the different types is missing. The Christian concept of "mediation" cannot fulfil this role. A new approach in analyzing and describing religious specialists is badly needed.

An attempt is presented below. The point of departure is the rather general question of religions' interest in an internal division of labour. The controversies about the priestly character of early kings demonstrates the difficulties in finding a historical answer to the question. Instead, a working hypothesis is advanced: For rather diffused social systems such as religions, the stabilization of its identity by the exertion of control is an important instigation for the division of labour. This hypothesis cannot be tested directly, but many features of the

phenomenology of religious specialists can be shown to conform to developments predictable on the basis of that hypothesis. In two short historical case studies, rather unusual systems of religious specializations will appear more understandable. Finally, the specific momentum of specialization is analyzed by looking closer at processes of professionalization and their consequences for the religious systems involved.

1. Religion as individual experience

In his famous dictum, Friedrich Schleiermacher defined religion as the feeling of total dependency (“Gefühl schlechthinniger Abhängigkeit”). This individualistic and existentialistic point of departure has informed not only liberal protestant theology but religious studies as well. Man as individual and his theistic counterpart, divine message and belief, the call of the transcendental onto the whole human being and his reaction—these relationships inform research perspectives in one way or the other. Division of labour, the development of the roles of specialists and their professionalization appear to be anachronistic survivals of cultic religions long gone.

This consequence can be detected in the “sociology of religion” of Joachim Wach (1898-1955). His typology of religious specialists, formed in a critical analysis of Max Weber’s work, bears the title “types of religious authority” (1944: 331-374). After an overview of the many forms of religious authority and the many different (and unpredictable) reactions towards it (331-337), Wach starts his systematic thinking by reflecting on personal charisma and charisma of office (*Amtscharisma*) (337 f.). However, the analysis is not directed towards relationships of power—the subject of Max Weber’s thinking. For Wach the reactions of the “audience” (his term for the mass of a religious group) are not the most important topic. According to him, it is necessary to pay attention to the religious leaders’ own conception of their authority: the “self-consciousness and self-designation of the ‘holy man’ ” (338). This results in a typology of ten classes (341-374, cf. Flasche 1978: 219-228):

- 1) founder of religion
- 2) reformer
- 3) prophet
- 4) seer
- 5) magician
- 6) diviner
- 7) saint
- 8) priest
- 9) *religiosus*
- 10) audience

The criteria of this classification have already been named, foremost personal charisma, the defining element of religious authority. Yet for *religious* authority (on Wach's concept of religion) the bearer's *sensus numinis*, his "nose" for the divine, his "communion" with it, is decisive. Externally, the existence and extent of these characteristics are hard to determine. Thus, the concept of charisma tends to become a matter of the subject's own claims, the typology is bound to the assertions of religious traditions. Anything else, division of labour, special tasks or characteristic activities, are called upon in describing the single classes, but none of it gives rise to a systematization that comprises more than two classes.

The structuring function of the subjectively defined charisma, of the communion with the divine, is shown by the sequence of the classes of the typology. Personal charisma is diminishing from class to class. Basically, founder, reformer, and prophet are distinguished by the external criterion of success. While the seer stands close to the prophet, he remains, however, rather passive in comparison to the types above him.

The magician following marks a borderline. On the one hand, his powerful personal charisma puts him in one line with the types above him. On the other hand, sorcery is so institutionalized, professionalized and surrounded by outward symbols, that charisma drawn from the office tends to become more important than personal charisma—characteristic of the types below the magician. This is already clear

for the diviner, who is part of an institutionalized system and manipulates traditional symbols. There follows the priest, entirely characterized by his professionalization (360):

The authority of the priest depends upon the charisma of his office. The calling [Wach's association is "job"], not the call [divine calling], characterizes the priest . . .

Yet, why does the saint come between diviner and priest, a type totally dissociated from any institution? It is his position that, again, demonstrates the determining role of the criterion of personal charisma. It is only the diminishing appellative character and authority of diminishing personal charisma that defines the sequence. Authority, the objective side of the subjective quality, is the only reason, why the priest supersedes the purely *religiosus*. The latter's religious qualification by an intensified relationship with the divine is entirely private, without any attempt at social authority.

In the end, Weber's dichotomy of charisma drawn from an office and charisma inherent to a person evaporates due to Wach's concept of religion. If all religious activity is determined by previous religious experiences and all personal charisma is determined by the intensity of these experiences, even the authority of the priest (conceptually due to his office) must somehow participate in personal charisma. Thus, at least for the "authentic" priest, Wach could formulate (360):

Although less original, spontaneous, and intense than that of the founder and prophet, the priest's personal experience guarantees the qualification for his mission. The priest "mediates" between God and man.

Even if each class of Wach's typology sounds familiar, they are too ill defined to provide a structure for any analysis of individual historical situations or developments. Eventually, Wach was not interested in different types of religious specialization and their consequences for an historical religion. His interest was a continuous scale of intensification of the fundamental religious experience, or better: of its weakening and institutionalization—down to the level where ordinary man, the "auditor," needs a mediator who (due to his own more

intensive religious experience) could provide the former at least with a secondary experience.

Excursus: "Mediator"

The concept of "mediator" demands a small digression. Mediation is a central feature of the Christian concept of priest and is employed as a basic concept for the (few) monographs on priests by historians of religion. Hence, it is worthwhile to pay a moment's attention to the Christian controversy on the term.

The point of departure for the intra-Christian, especially Reformatorian controversy is given by the late New Testament concept of a general and kingly priesthood of all Christians (1 Petr 2.5, 9). All believers directly participate in the salvatory events centered on Christ as the real and only high priest. However, the concept developed only a small critical potential against an ecclesiastical hierarchy that started to evolve for practical as well as disciplinary reasons. More and more, the "general priesthood" was restricted to the obligation to lead a really priestly life. Thus, in contrast to the original intention, a professional ethic, intended to legitimate the cleric's authority, was declared a general norm.

The critical impetus was taken up by Martin Luther. Starting from the justification of the individual, the concept of general priesthood was integrated into the fight against the catholic hierarchy and catholic authorities on the level of the parishes. The word of God is in no need of a mediator, it directly addresses every Christian. Again, however, the critical impetus could not be transformed into a positive, structuring principle. The general priesthood was so general and evenly distributed that it could not legitimate the new and—even for reformatorian churches—necessary specializations (see Voss 1990).

Basically, for scientific use, the conceptual problem is identical to that of Wach's typology. An individual relationship between God (gods) and man is presupposed. The priest, as "mediator," enters the relationship in order to improve or even open the channel of

communication. Negatively judged, he impedes or monopolizes the—originally direct—line of communication. Everybody should be his own mediator.

As in the case of Christianity, the historian might identify such a conception as a conceptualization of the religion that he is scrutinizing. Yet the concept is not suitable to form the basis of an analytical term. As an empirical and historical science, *Religionswissenschaft* can analyze its objects, religions, only as systems of social actions or, paying more attention to the cognitive dimension, as systems of symbols. Thus, the suitable parameter in describing religious specialists cannot be the intensity of the relationship between the “mediator” and a transcendental deity: Even according to Wach, this value can only be determined on the basis of the claims of the *homo religiosus*. For the historical discipline, the important variable is the position of the specialist within the social system of his religion.²

2. *Division of labour and social control*

Probably all religions contain religious specialists, usually *different* religious specialists. This is but a phenomenon of the division of labour. Its genesis cannot be reconstructed,³ but some of its general functions can be named. The division of labour is a common feature of growing differentiation within the social evolution. Complexity and adaptiveness of the system grow. Religious actions are not as controlled by external factors as e.g. economic behaviour. Stability and hence identity are especially problems of the cultural sector of a society. By intensifying the structure of the religious systems, religious specialists come in as controlling agents, if we do not restrict “control” to the dealing with specific forms of deviant behaviour (cf. Janowitz 1973 and Cohen 1968). Control, here, is to be understood on the model of “social control,” the sum of institutions, processes and actions serving the maintenance of the structure and border lines of a social system (cf. Gladigow 1987 for the censorship on myths). Obviously, not all specializations within religious systems involve control. Buildings or sacrificial animals have to be maintained. At

some point in time the latter will be butchered and cooked. Such activities give rise to many, even permanent, specializations. Nevertheless, control remains an important function of the large range of religious specialists often addressed as priests, teachers, theologians.⁴ As will be seen, many phenomenological characteristics of these specialists can be integrated within a model that hypothesizes functional and structural developments of religious specialists within complex societies—a model that could serve as an instrument in identifying and describing processes and structures of religious specialization.

Control within systems of symbols

How can control be organized to stabilize symbolic universes? One point to be considered first is literacy: Writing might preserve verbal conceptualizations of symbol systems nearly without limits, thereby creating the possibility of revitalizations at any place or time. Any control must keep up with the flexibility of the media. Censorship, the banning from libraries, schools, and public reading, and, finally, physical destruction of texts demands a thorough-going bureaucratic documentation. This illustrates the basic concept of every control, which—according to Bühler's model of communication—must pay attention to the transmitter (producer), to the medium of transmission, and to the receiver (addressee).

Yet, for many religions not writing, but the maintenance of the symbol system by permanent repetition and reactualization forms the normal procedure. Ritual is of foremost importance, theological reflection separated from the face-to-face situation of cult is of secondary importance, only. Three basic forms of ritual control can be named:

- 1) The monopolization of ritual activities offers a large field of possible forms of control. Ritual competence might be stressed and—in different degrees—restricted to specialists. The right to perform and hence the possibility to modify could be denied to non-specialists.
- 2) A much weaker form of control would be the replacement of the specialists' monopoly by their exemplary behaviour. The same ritual

(or type of ritual) that might be performed by e.g. all grown-ups or all males is performed by the specialists as well, yet—and this is the important feature for authority and control—much more exactly and lavishly.

3) Efficient bureaucratic structures would be necessary, if the juridical validation (or rather de-validation) of a ritual is assigned to specialists. The ritual might be performed by everybody, but its validity is permanently precarious by being subject to the specialists' potential veto.

Most of the rituals contain verbal elements up to explicit interpretations of the ritual itself. Pure associations, spontaneous interpretations of the participants normally remain unsaid, i.e. implicit and restricted to the very situation. Therefore interest in control is minimal (but cf. Paul 1990). Elaborated religious thinking separated from this situation, however, has a large potential for doctrinal development and social effect. The identity of the symbol system might be seriously affected. Therefore, interest in control of such "theological" products is large. Measuring rods could be installed in the form of abstract dogmas. The production of dogmas as well as the legitimate respecification of these dogmas for concrete situations will be monopolized by specialists (who might be identical with the ritual specialist or not). The definition of a canon of "holy scripture(s)" is another mechanism. The denunciation or even destruction of the partisans of the illegitimate theology might follow in a second step, mostly no longer performed by religious specialists but by political authorities. The necessary condition for this is the quasi monopolistic stance of the religious system within the society.

The topic of exclusion leads, after ritual and religious thinking (theology), to the question of membership. Control might be exerted in the form of an initial filter, i.e. rituals of initiation. Their performance or—in particular, if the local area is transgressed—their documentation might be monopolized by religious specialists. Such a demand in documentation could lead to the building up of archives, even the monopolizing of systems of documentation (writing systems). In this

context, a secondary religious socialization, a formal religious education, could be institutionalized. Such an activity could supplement or supplant the primary religious socialization by participating in local cult (cf. Gladigow 1995: 21 f.). Therefore, the organizers, "teachers," need not to be identical with the ritual specialists.

Religions that demand a comparatively high commitment (and correspondingly offer higher rewards) must protect their resources and their members' motivation by excluding free-riders (Stark, McCann 1993). An administration is necessary that could register e.g. payments or individual participation. An institution like confession, presupposing the internalization of a large range of norms, could complete a supervision naturally full of gaps, especially for the inaccessible realm of motivation and mental sinning (Hahn 1982).

Control of the controllers

Institutionalized, not only diffused, controls (see Cohen 1966: 39) are a form of power and need legitimation. This problem is delineated by the term *Amtscharisma* ("charisma of office"), but not solved. It is more fruitful to reformulate the problem in terms of a process. Who does control the controllers? Obviously, there must be a connection between the kind and amount of control *by* the controllers and the kind and amount of control *of* the controllers; both could be related to the religious system as a whole and to society.

Hierarchization offers a fairly common solution. Within the controllers, dependencies are defined and behavioural options of the individuals are reduced. Outwards, the apparatus and the system as a whole are stabilized. You must not judge the system by its lowest (and mostly the only directly known) representatives. The burden of legitimization is (at least partly) taken off from the positions with continuous contact with the subjects and transferred to the inner, to the higher positions of the hierarchy.

The functioning of hierarchy might be strengthened by the motif of decadence: former priests, shamans, augurs, apostles were mightier, they were able to perform miracles. This, obviously, is a rather critical

motif. Why, then, would it be handed down so often within the circle of specialists? It seems to stabilize collegiate and hierarchical structures, i.e. self-subordination, despite the high authority claimed and represented towards the subjects. By proliferating the motif, every contemporary specialist is reminded that his power is entirely dependent on the conferral by the organization.

Coherence of the apparatus could be promoted by a restricted admission. Specialists often practice cooptation. Social strata might be reproduced, only a nobleman could be created bishop, only a patrician *rex sacrorum*. However, the opposite option is feasible, too, and might accelerate the differentiation from the political system. It is possible to restrict candidates to certain “natural” groups—enlisted families, *gentes*—sometimes positions are hereditary. Thus, the restriction (and the ensuing difference in competence and authority) is “naturally” legitimated. The resulting problem is that supply (or descendants) and demand could easily fall out of balance.

The specialists’ superiority in competence is safeguarded by extensive training and the monopolies of certain kinds of knowledge. It does not matter whether such a knowledge would have any practical usage; what does matter is the solidarity of the knowing and the prestige assigned by those excluded (see Bremmer 1995, Burkert 1995). Special garments and special codes of behaviour enlarge the distance between specialists and non-specialists and further the establishment of the former as a special status group. Such a strategy might culminate in very complex scripts of roles (see Landtman 1905: 86-164).

3. Case studies

The model, which due to its hypothetical character cannot be proved directly, must demonstrate its usefulness in historical analyses. Here, two rather sketchy examples have to suffice. Both deal with religious specialists whose traditional classification appears to be unsatisfactory.

Shamans

The open-ended debate on the definition of shamans versus priest unsatisfactorily tries to draw on a definition of the shaman as individually evoked ecstatic (cf. Quack 1985; Sasaki 1990). This phenomenological approach does not conform with the ethnographical data. In shamanistic societies, other criteria apart from the uncheckable claim of the ecstatic exist. For every new shaman the teaching received from established shamans is of utter importance and is a decisive source of legitimation. Furthermore, in the recognition of a young man as shaman, the local group is as much involved as the shaman-to-be himself. It is the local group that decides whether the "candidate" is to be revered as a new ecstatic or to be treated as a lunatic. Naturally, the stance of a "self-made shaman" is much weaker than that of an hereditary shaman. It is important that his deviant behaviour conforms to cultural patterns set by earlier shamans, but the recognition of that classification has to be made explicit by the local group (the data are presented by Eliade 1951: 22 f.). Given the structures of these societies, the anthropologist normally would recognise no shamans but those approved by the local group.

Hence, even in the case of ecstasies, *controlled* tradition, the control of the symbol system, forms a central element of the shamanistic "vocation." Empirical data do not support the hypothesis that generally ecstasies are a factor of insecurity. Put into context, they tend to be as conservative and stabilizing as technicians of hepatoscopy, interpreters of dreams or exegetics of holy scriptures. Contrary to Turner (1968: 439), there is no general dichotomy of religious specialists between "institutional functionaries," manipulating visible, ritual symbols (priests), and "inspirational functionaries," manipulating psychogenic, "internal," and putatively innovative symbols.

Roman priests

Roman "priests" do not conform to our Christianly informed concept of priest (see Beard, North 1990; Bendlin *et al.* 1993). These *sacerdotes publici* do not have any training, their temporal involvement could be characterized as "leisure activity," they do not perform any pastoral carework, their way of life does not show any elements of a special holiness. Even most of the state sacrifices are performed by magistrates, who are as competent as any *paterfamilias* to do such a ritual. Despite a differentiation into several colleges (*collegia, sodalitates*), there are only traces of hierarchy. Permanent organization and professionalization are but initial (Kehrer 1982: 46-50). These *sacerdotes* are hard to be understood as priests, but as controllers they do offer a coherent picture.

Control of the symbol system is indicated by the phrase *disciplina tenere*, keeping disciplinary order on the cognitive level. The colleges decided upon the applicability of the political-religious rules to specific courses of action. Whenever temples were dedicated or expiatory rituals for prodigies had to be performed, the *sacerdotes* had to offer advice and assistance to the performing magistrates. Thus, the most important innovative mechanisms in the expansion of the range of gods and rituals were controlled. A similarly restrained control was exerted in the realm of sacrifices. The central sacrifices of the state priesthoods were exemplary. Protocols were produced and sometimes even published in the form of inscriptions; these monumental copies are, at least partly, preserved for the Arval Brethren and the secular games. Together with other material, the original *acta* formed the archive of a certain priesthood, formed their *libri sacerdotum* (see Scheid 1994). Descriptions rather than norms were preserved in writing.

Religious services for individuals (which might be interpreted as forms of control) were hardly existent. The assistance of some priests during marriage was restricted to a special ritual for upper class couples. Otherwise, only the religio-legal character of plots of land

(graves, sanctuaries, groves) was an object of priestly control (especially by the *pontifices*), since private religion and public interest could interfere. The large political interest in the status and activities of private societies, however, was not vested with the religious specialist.

Internal control within the religious specialists was poor. Recruiting by cooptation had already been modified by quora (patricians/plebeians) by the end of the 4th century BC, by elements of public vote by the middle of the 3rd century BC. These modifications were, however, restricted to very few elevated positions. As a permanent object of debate they remained precarious, even if they did not really enlarge the basis of recruitment socially. It was a basic concern of the colleges to assemble as many different families as possible within the single unit, for instance by prohibiting the membership of a second male of the same family. Experience and knowledge was acquired by life time membership—in itself an important mechanism of control (Szemler 1986: 2326). Even this was frequently interrupted by long periods of foreign military or diplomatic service. Neither a hereditary principle nor practising as youthful *camillus*—such an experience never was a precondition—could prepare candidates for the task. Apart from the *flamines*, a special group of single priests for the service of special deities, priestly garments did not exceed the status symbols of magistrates and the normal clothes of the upper strata of society. Hierarchization was missing; even the influence of the *pontifex maximus* onto other priests was restricted to the right to force them to do their specific service in a given case (Gladigow 1970). Lastly, even the *epulones*, a small college derivating from the pontiffs' (proto-)equestrian servants (*apparitores*), were not subjected to their former masters' authority.

There are two significant exceptions, the already mentioned *flamines* and the *virgines Vestales* (for the data see Vanggaard 1988, Cancik-Lindemaier 1990). Clothing was strictly regulated, covering the time out of service, too. Nearly permanent presence was enforced, strict norms regulated or even forbade marital resp. sexual life. At least in principle, the call into service did not depend on

the consent of the (in the case of the Vestals: very) young priests-to-be; they were seized by the *pontifex maximus* (*captio*), not coopted by their colleagues. Theological concepts, perhaps coordinated with these norms, are not explicitly transmitted. Naturally, the interpretation of such a complex of signs is very dynamic. I cannot exclude the possibility that the idea of the representation of the deity by her or his priest—the favourite idea of modern interpretations (cf. Scheid 1986; for India Minkowski 1992; in general James 1955: 291)—was part of ancient thinking, too. There are, however, no positive indicators that it did dominate ancient interpretations. For contemporaries, the relationship with the other priests, the positional meaning in the terms of V.W. Turner, must have been much more important. They were all members of the same social stratum, they were all regarded as *sacerdotes*. *Flamen Dialis* and Vestals gathered in the same *collegium pontificale* as the “leisure time priests” called *pontifices* (see Macrobius, *Saturnalia* 3, 13, 10 f.). Thus, the standing and the representation done by the few full time priests is part of the prestige of all priests. Seen from outside, *sacerdotes* must have seemed to be much more than they were. Again, the motif of decadence can be traced: many of the restrictions were thought to have applied to all *sacerdotes* in former times. It is, however, significant for the weak internal interest in control that the few attempts at strengthening the norms of ritual correctness for priests in an exposed position (e.g. for the *flamines* and the *rex sacrorum* during the third and second centuries BC) were not successful in the long run (see Rüpke 1996a).

The weak control with respect to the populace points to the low level of organization of Roman religion. In its traditional forms, in Rome religion normally is *diffused religion*. The large and, with regard to the upper class, diffused segment of hardly hierarchized controllers address themselves nearly exclusively to the area of statal, political action. The very priesthoods form an area of action, where—without regard to (the few remaining) differences in status and magistracies just held—coherence within the political elite can grow, being structured by the principle of seniority only.

This coherence is not a static, but a dynamic factor. Political or religious activities are not legitimated by drawing on a dogmatized tradition. Instead, they have to gain consensus through an interplay of a complex system of institutions, checks and balances (Rüpke 1996). This, exactly, is the interest embodied in the controlling function of the religious specialists in Rome, who did not safeguard the products of a holy tradition. Methodically, it is by means of the analytical concept of “control,” by the focusing on interdependencies instead of phenomenological data, that such functions of religious specialists can be detected and integrated within a larger image of religion within society.

4. Professionalization

As the Roman example shows, “specialist” is a rather vague term. There are many degrees of specialization. Nevertheless specialization is a useful term. Returning to Rome, it was only the membership within the colleges that defined the religious function: Political position and social prestige of an upper class Roman citizen did not suffice to establish the *special* religious and functional competence. These members were not simply the *patresfamilias* of the state who automatically had the right (and duty) to perform certain types of domestic cult.

Specialization—again the Roman example is instructive—does not equal vocation, is not full time activity. At Rome, only the Vestals could fulfil this criterion, including their economic dependency on their “job” (cf. the criteria of Shils 1968: 245 f.). By any means, full time vocational roles mark an advanced state of social evolution.

Professionalization as a specific concept designates a particular form of vocation, be it full-fledged or only initial (see Ghandi 1982: 9 f.). Professions are defined by

- * a formal training, finished by an institutionalized exam, thereby conferring the publicly recognized qualification for a certain cultural tradition;

- * a certain ability to do things within this cultural tradition including a monopoly to do them; and finally professions are defined by
- * an organization and by institutionalized controls that ensure the public usefulness of the vocational practice (Parsons 1968: 536).

Professionalization, this is implied, is more than an intensification of specialization. Professional ethics are a defining element, an element, that might get lost by growing specialization and thus shrinking societal function and responsibility. De-professionalization is a realistic possibility (Vollmer, Mills 1966, Schach 1987), perhaps even a tendency within contemporary Christian priesthood (Fichter in Vollmer, Mills 1966: 146; Goldner, Ference, Ritti 1973: 135).

The role of professional ethics cannot be overestimated (Schach 1987, espec. 64). It is an internalized conception of one's own duties with regard to larger segments of society, controlled by likewise professionalized colleagues and one's own professional organization only (cf. Zintl 1978: 120). It is professional ethics that allow for the interpretation of professionalization as a form of control: "Professionalism is an alternative form of social control. The professional man is highly controlled by his professional peers by virtue of common values acquired in professional schools, by his constant association through work (and often socially) with other professionals, by his continuing education ('keeping up'), which is based largely on books and journals that only fellow professionals read" (Thompson 1969: 95, cf. 93).

Professional ethics answer the problem that even within densely structured organizations professionals need freedom, since non-specialists are not able to define the precise goals of the hopefully innovative activity of the professional—a critical problem for, e.g. scientific, innovation-oriented institutions.⁵ Control must be realized in the form of self-control or control by professional peers (Schach 1987: 11).

Market pricing is another common mechanism of control which is not fully applicable to professionals. If the activity of the professional

is fragmented into priceable services at all, anonymous tariffs usually apply; otherwise flat rates will be paid or “presents” be given. For the southern Indian temple priest, for instance, only a “present” (*dakṣiṇā*) could be a medium of recompensation adequate to his status, a ticket system avoids the direct monetarization of smaller services (Fuller 1984: 66, 98-101). Like the change of one’s physician, the change of one’s astrologer would normally not be determined by his or her price—a fact to which the economy of religion should pay attention when it employs the model of the market.

As I have already attempted to demonstrate, the concept of professionalization is useful for the study of religion, too. In an historical perspective, the professionalization of religious specialists is prior to other processes of professionalization in medieval and early modern Europe (Parsons 1968: 537). Paying attention to the high importance of professional ethics for the professionalization, it is to be expected that religious systems will take the lead in processes of professionalization. The decisive factor would be the intensive “ideologization” of religious organizations. This would produce professional ethics that do not follow but further other aspects of professionalization. I would even suggest that in comparison with other systems, religion might introduce other forms of specialization, might test the division of labour, too, rather early. The instigating factors could be religions’ high need in controlling and its large possibilities of control with regard to the controllers. To analyze the timing of processes of professionalization within different societal, including the religious, systems might be a fruitful line of research.

Stressing the controlling aspect of professionalization should not obscure the innovative side, the intensified innovation rate of professionals. Within the religious realm, one could think of the genesis of Indian *corpora* of texts as the *Atharvaveda* (Inden 1992; cf. Kaiser 1992 for Ayurveda medicin), of the priestly texts and editorial work in the *Tenakh*, of the early development and differentiation of Roman law by the pontiffs, or of the establishment of many of the early Christian European universities. These examples are by no means new, but they illustrate a point that is usually lost in formulating typologies

of religious specialists. Innovation and control cannot be assigned to prophets and priests respectively, innovation is not restricted to external stimuli. Professionalization clearly indicates the integration of potential innovation *within* the organizational framework. This might be one of the most interesting aspects of the control approach towards religious specialists.

Universität Potsdam
Institut für Klassische Philologie
Postfach 601553
D-14415 Potsdam

JÖRG RÜPKE

¹ A German version of this paper has been given as inaugural lecture at the University of Tübingen on 11th May, 1995, an outline of the argument at the annual meeting of the *Deutsche Vereinigung für Religionsgeschichte* at Bonn. For discussion of the argument I should like to thank Christoph Auffarth, Burkhard Gladigow, Günter Kehrer, Hans G. Kippenberg, and Heinrich von Stietencron—and Thomas Lawson for the improvement of the English text.

² For a critique of the concept of “mediator” from the part of Indology see the publications of Heesterman (1971; 1985: 3-9, 141-157; cf. 1991): He reconstructs a development of Vedic ritual, which turns an originally contingent and legitimizing sacrificial competition between king and priest into a selfcontained, stable ritual complex: Now, the relationship between political leader (king), who initiates the sacrifice, and brahmin, the ritual specialist, is only negatively defined by negating certain interdependencies. Any positive definition (like “mediator”) is not suitable.

³ See the detailed account of Landtman 1905; cf. Turner 1968: 441-443 for the differentiation of religious specialists. Both of them stress that the development out of political functions (king, headman) seems to be a particular case.

⁴ Named as an important function by Simmel 1923: 235. Cf. Turner 1968: 439, who, however, did not develop his idea: “What the priest is and does keeps cultural change and individual deviation within narrow limits.”

⁵ Cf. Thompson’s list of professional values (1969: 69): “(1) autonomy in work, both as to means and ends, (2) a belief in professional growth as the measure of success, (3) an acceptance of peer evaluation, rather than the opinion of a ‘superior,’ as the standard of personal worth, (4) an assignment of the highest value to activities that develop new knowledge (pure research over applied research, etc.).”

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PREDECESSORS AND PROTOTYPES:
TOWARDS A CONCEPTUAL HISTORY OF THE BUDDHIST
ANTARĀBHAVA*

BRYAN JARÉ CUEVAS

Summary

The Buddhist Sanskrit term *antarābhava* refers quite literally to existence (*bhava*) in an interval (*antarā*) and designates the temporal space between death and subsequent rebirth. It is apparent that, among the early schools of Buddhism in India, the status of this intermediate existence inspired considerable controversy. However, in spite of its controversial beginnings, the concept of the *antarābhava* continued to flourish and to exert a significant force upon the theories and practices of the later Northern Buddhist traditions. Questions concerning the conceptual origins of this notion and its theoretical connections with earlier Indian systems of thought have received little scholarly attention, despite a growing popularity of literature on the subject of death in Buddhist traditions. In this essay the possible links between the early conceptual systems of Hinduism (the Vedic and Upaniṣadic traditions) and Buddhism are examined to determine whether certain theoretical developments in Hinduism may have contributed to the emergence of the Buddhist notion of a post-mortem intermediate period. The conclusion is drawn that the early Buddhists, in formulating a concept of the *antarābhava*, borrowed and reinterpreted elements from Hindu cosmography and mythology surrounding the issue of postmortem transition.

Death is perhaps best understood as the interval between dying and being dead, between a process and a condition.¹ In this sense death is an intervening moment and, in many cases, construed as a transition, a passage between states rather than a mere cessation or an 'experiential blank'.² As a transitional event (the most dramatic of its kind), death has "all the properties of the threshold, the boundary between two spaces, where the antagonistic principles confront one another and the world is reversed".³ The threshold marks the border between two territories, between two worlds; the point of passage from the familiar to the foreign, from inside to outside, or from outside to inside. To cross the threshold is, therefore, to enter a new

space, a new state or condition. It is often said that in passing over the boundary one wavers for a length of time between the two spaces, captured in a 'limbo', unfixed and vague. This moment of ambiguity together with its obscure symbolic and spatial dimensions defines the 'liminal' experience⁴ and best characterizes the event of death. Indeed, in many societies death is understood as a transition from one state to another and is often associated with beliefs concerning the existence of a prolonged postmortem intermediary period.⁵ Such notions are certainly found in early Indian Buddhist literature,⁶ and traces of related notions can be uncovered in the numerous texts that make up the vast corpus of Brāhmaṇic and Post-Brāhmaṇic Hinduism.

In early Buddhism, the temporal space between death and the next birth is given the name '*antarābhava*' and is believed to be inhabited by ethereal beings composed of subtle types of the five aggregates (*skandhas*).⁷ These transitional beings, called *gandharvas*, are said to wander for several weeks in search of their next place of birth. Often, the term *antarābhava* is used interchangeably to refer both to the postmortem state of transition and to the subtle entity that exists in such a state. Although the status of the *antarābhava*, as Wayman has demonstrated, inspired considerable controversy among the early schools of Buddhism in India,⁸ it apparently did not even exist as a concept in the Hinduism of that period (first century CE). Does this fact suggest that the *antarābhava* notion was a uniquely Buddhist innovation, that such a concept emerged and flourished in isolation within the theoretical confines of Buddhist cosmology? If so, how might one explain Buddhism's appropriation of the Hindu *gandharva* as its postmortem transitional entity? I am willing to accept that the term *antarābhava* was perhaps a Sanskritic neologism coined by the Buddhists to refer quite literally to an existence (*bhava*) in between (*antarā*), but I am not as willing to concede that the concept behind the term was not already prepared for by the earlier Vedic and Upaniṣadic traditions.⁹ In this paper I will attempt to locate and highlight those specific conceptual developments in Hinduism that may have contributed to the formation of the Buddhist notion of *antarābhava* as both a state and an entity, here identified as a

gandharva. In the process, my focus will be concentrated around Vedic and Upaniṣadic notions of the manes (*pitr*), specifically their spatial positioning within two distinct cosmological schemes and their symbolic associations with the moon, Soma and (re)birth/fertility—elements that also correspond to various mythic representations of the Hindu *gandharva*. As a point of departure we must first consider the role of sacrifice and its symbolism within the Vedic and Brāhmaṇic ritual traditions as detailed in the early textual sources.

Bodies, Vehicles, and Pathways: The Vedic Sacrificial Model

As a literary corpus, the Vedas are traditionally understood to be ‘collections’ (*saṃhitās*) of ancient revelatory knowledge, initially transmitted orally and later in written form. The oldest collection of these wisdom verses is the *Ṛg Veda* (*RV*), composed *ca.* 1400-1200 BCE and consisting of ten ‘books’ (*maṇḍalas*)—six ‘family books’ (books 2-7), containing hymns collected and transmitted by a different lineage of ‘seers’ (*ṛṣi*), and four later books, including both the collection devoted entirely to Soma (book 9) and the book of esoteric and philosophical speculation (book 10).¹⁰ It is this latter cycle which provides us with specific insight into the Vedic conceptions of death and the potential destinies of the dead. In order to gain an understanding of the conceptual dynamics fueling these early speculations, it is crucial to review the essential components of the Vedic world view.

The Vedas operate within a sphere of reality organized into three distinct planes: the macrocosmic realm of divinity (*adhidevatā*), the mesocosmic realm of the ‘sacrifice’ (*adhiyajña*), and the microcosmic realm of the individual (*adhyātman*).¹¹ The intervening level, the ‘sacrificial’ plane, constitutes the realm of ritual activity, the fulcrum of the entire Vedic system. The ‘sacrifice’ is, therefore, the threshold event, the pivotal moment, between cosmos and human being; it connects the disconnected, orders chaos, and integrates the disintegrated.

As a result of its symbolic and spatial positioning, the sacrifice can be understood from either a macro- or microcosmic point of

view. From the former standpoint, the sacrifice is Puruṣa, the cosmic being, who is also known in later Vedic sources as Prajāpati. This primordial giant (*Rg Veda* 10.90) is both the victim of sacrifice and the deity to whom the sacrifice is dedicated. The dismemberment of the cosmic Puruṣa/Prajāpati effects the creation of the universe, which is to say that through the primordial sacrifice ‘matter’ passes from macrocosm to microcosm, from cosmos to human being; it is, thus, an anthropogonic event.¹²

From the viewpoint of microcosm the sacrifice, as ritual act, is the human individual. Through his ‘death’ (either real or simulated via substitution), cosmic unity and order (disrupted as a consequence of Puruṣa’s sacrificed body) is created and sustained; a movement in reverse from microcosm to macrocosm—the true cosmogonic act.¹³ However, because the creation of one always requires the disintegration of the other, the sacrifice must be forever re-enacted. In other words, each sacrifice repeats every other sacrifice; a perpetual cycle that when projecting forward always reflects back to the first sacrifice. The myth of Puruṣa’s dismemberment announces what was done in the beginning; the ritual repeated by the individual assumes responsibility for reconstituting the primordially fragmented universe. “With the sacrifice the gods sacrificed to the sacrifice. These were the first ritual laws”.¹⁴

The Vedic understanding of ‘natural’ death, as Lincoln has so carefully demonstrated, involves the idea of a transmutation of matter from bodily to cosmic form; the life-breath (*ásu*) ‘entering’ the wind, the body ‘entering’ the earth.¹⁵ This “material translation from microcosm to macrocosm” is viewed as a “last sacrifice that all human beings perform, in which their very bodies are offered up to ensure the continued existence of the universe”.¹⁶ However, in the cremation hymn (*RV* 10.16), Agni is asked *not* to consume the body entirely, but rather to convey the deceased to his paternal ancestors (*pitr*) after the flames have done their work: “When you cook him perfectly, O knower of creatures, then give him over to the fathers. When he goes on the path that leads away the breath of life, then he will be led by the will of the gods”.¹⁷ The implication is that something other

than the body is led by Agni to the realm of the fathers (*pitṛloka*). Is a vague distinction being made here between body and 'soul'? Perhaps, but as Keith has rightly observed, "it is not altogether easy to derive from the *Rg Veda* a precise conception of the nature which was attributed to the spirits of the dead".¹⁸ Nonetheless, I do feel that the existence of a 'soul' or 'spirit' is indeed being hinted at in these verses,¹⁹ especially in light of a later passage which states that the deceased will assume a new (ethereal) body presumably in order to join his ancestors: "Let him reach his descendants, dressing himself in a life-span. O knower of creatures, let him join with a body".²⁰ And, in a earlier hymn, we read: "Unite with the fathers, with Yama, with the rewards of your sacrifices and good deeds, in the highest heaven. Leaving behind all imperfections, go back home again; *merge with a glorious body*".²¹

This notion of a separation from the material body and the adoption of a new 'body', with which the deceased 'travels' to the sphere of the manes, introduces an early variation of a theme present in later (Buddhist) concepts of postmortem transitional experience—that at death the 'soul', 'spirit', or 'mind' of the deceased (termed *gandharva* in some contexts) acquires a subtle body, and with it moves through an intermediate space between his/her former and future condition. In the context of Vedic presentations, this 'liminal' body is given no distinct features; yet we can surmise that it is at least associated with, if not entirely composed of, wind/air.²²

The two expressions met with most frequently in the *Rg Veda* concerning the deceased's 'spirit' and, by direct connection, his/her subtle body are *ásu* (life, breath) and *manas* (mind). The latter term, despite frequent references in Vedic sources,²³ did not achieve conceptual maturity until it was further developed in the Upaniṣads. In light of this, the significance of *manas*, mind, will not be considered at this point. Here, we are interested, however, in the term *ásu*. Keith suggests that the *ásu*, though not explicitly identified with the breath, seems to have been based on the notion of the breath as the clearest and most "visible sign of life and intellect".²⁴ The *ásu* is what separates from the material body at death and enters the wind

(the breath's macrocosmic alloform): "May your eye go to the sun, your life's breath to the wind".²⁵ Later, the term *ātman* (breath) is the more common expression of the 'spirit/soul',²⁶ as in *Atharva Veda* 8.2.7: "Go thou to the sun with thine eye, to the wind with thy soul (*ātman*)".²⁷ Based on the homologous relationship between the breath and air,²⁸ it is not difficult to see how the 'spirit' (*āsu*, *ātman*) of the deceased, and his/her transitional body, might be understood as being both composed of and contained within the wind itself. It might also help to recall that in traditional Indian cosmology the wind is believed to occupy the mid-space between earth and heaven, the intermediate atmospheric realm (*antarikṣa*). The scenario can thus be summarized in the following manner: due to certain homologous associations, the 'spirit' and the breath are collapsed into a more or less impalpable substance, which is then conceived of as some 'entity' that, having left the material body, assumes an ethereal body and 'travels' the intermediate space between earth and the realm of the fathers.

It is true, as Knipe observes, that these early Vedic models do not offer concrete notions of a full-fledged postmortem intermediate being, since the belief is that "a complete new body awaits the deceased in heaven".²⁹ Evidence of disembodied 'souls' (*preta*) and transitional journeys through dangerous liminal realms does not appear significantly until rather late in the Vedic period, when such ideas begin to fully emerge in the ritual texts (*kalpasūtras*).³⁰ However, the language of some of these early Vedic hymns cannot be so easily ignored. In these hymns, we find explicit references to such 'threshold' notions as passage along death's 'highway',³¹ union with bodies that travel,³² or wandering 'spirits'.³³ Perhaps O'Flaherty is correct when she suggests that, in this formative period, the poets were simply trying out various notions of an afterlife.³⁴ At any rate, it is important to understand that the Vedas do provide a model, though often vague and ill-defined, of postmortem transition, of the deceased's passage from this world to one beyond; this transit is effected via the mechanics of sacrifice (cremation), a topic to which we must now return.

At the heart of the Vedic sacrificial system lie the extensive ritual discourses known as the *Brāhmaṇas*. Composed in the early

centuries of the first millennium BCE, these texts interpret and explain the underlying significance of ritual performance. They do not, however, describe what occurs in the ritual. Rather, they provide commentary on the reasons for, and specific consequences of, the proper performance of ritual activity and speech. Central to these explanations is the doctrine of symbolic and numerical equivalence (*sampad*, *saṃkhyāna*); that is, the sacrifice is understood in light of an elaborate system of homologies (*bandhu*) between all the components of the universe. Through knowledge of these correspondences, the sacrificer is capable of ritually controlling the cosmos. Such a principle is mythically substantiated in the story of Prajāpati's victory over Death, described in the *Jaiminīya Brāhmaṇa* 2.69-70.³⁵ I bring up this notion of equivalence and control only to point out the substantial role attributed in the *Brāhmaṇas* to ritual sacrifice as an effective 'instrument' of power for those who know its complex mechanics. Indeed, with the sacrifice, the ritualist is able to achieve extraordinary and dramatic results, including, for example, the ability to ascend to heaven.

Frequently, the *Brāhmaṇas* declare that it is the sacrifice itself which carries the ritualist upward to 'yonder world': "The Agnihotra,³⁶ truly, is the ship (that sails) heavenwards";³⁷ indeed, "every sacrifice is a ship bound heavenwards".³⁸ Relying on passages from the *Kauṣītaki*, *Aitareya*, and *Pañcaviṃśa Brāhmaṇas*, Smith demonstrates that it is more common for the sacrifice to be compared to a chariot than it is to a ship:

The introductory and concluding rites are likened to the two sides of the chariot and should be symmetrical: "He who makes them equal to one another safely reaches the world of heaven, just as one takes any desired journey by driving a chariot with two sides." [*KB* 7.7] Similarly, another text argues that the Agnihotra should be performed after sunrise so that it will be like a chariot with both wheels: "Day and night are the wheels of the year; truly, with them he goes through the year. If he offers before sunrise, it is as if one were to go with [a chariot with] one wheel. But if he offers after sunrise, it is as if one were swiftly to make a journey with [a chariot having] both wheels." [*AitB* 5.30] In other texts, other components of the ritual are connected to the parts of the chariot—the sacrificial fees are the internal fastenings [*PB* 16.1.13]; the chants

are the reins [*PB* 8.5.16]; and the recitations are said to be the “inner reins.” [*AitB* 2.37]³⁹

We may recall that, in Vedic cosmology, the sacrifice occupies the mid-space between the human and divine realms; in fact, this intermediate level, this mesocosm, is identified as the sacrifice itself and called *adhiyajña* (‘relating to the sacrifice’). As chariot of death, the sacrifice is what transports the sacrificer (the deceased) from the earthly to the heavenly realm. What is interesting about this is the relationship between the sacrifice as intermediary, the chariot as vehicle of travel, and the deceased as passenger; all three are marked under the sign of transition. In a system supposedly devoid of any explicit references to a postmortem intermediate ‘existence’, notions of postmortem travel should certainly look out of place. But, perhaps it is the case that such references actually indicate a pre-existing system of belief in which death is viewed as a gradual process, whereby the deceased is unable to immediately secure his/her place in the afterworld, but must exist, for a period, on the threshold between the two worlds. This is certainly the view held in the later period of the ritual sūtras, where, for example, we find descriptions of *piṇḍadāna* and *sapiṇḍikarāṇa* as ritual means for insuring the deceased’s safe passage from the dangerous condition of *preta* to the realm of the fathers.⁴⁰ It may be of interest, at this point in our discussion, to examine earlier descriptions of the deceased’s journey to that world beyond.

A theme central to all Vedic accounts of the postmortem event, and, as we shall soon see, one that continues to exert its presence throughout Upaniṣadic literature, is that of the path by which the deceased travels. Perhaps the earliest mention of a pathway leading to the gods (*devaloka*) occurs in *Rg Veda* 1.72.7, where Agni, the deity of the sacrificial fire and hence the intermediary between earth and heaven, is addressed as follows: “Knowing the ways by which the gods go, thou (Agni) hast become the unwearied messenger, the bearer of oblations”.⁴¹ Later, the path is said to have been made by Yama, the lord of the dead and the first mortal to have reached the ‘other side’: “Yama was the first to find the way for us, this pasture

that shall not be taken away. Where our ancient fathers passed beyond, there everyone who is born follows, each on his own path".⁴² Several verses later, the deceased is addressed directly: "Go forth, go forth on those ancient paths on which our ancient fathers passed beyond. There you shall see the two kings, Yama and Varuṇa, rejoicing in the sacrificial drink. . . . Run on the right path, past the two brindled, four-eyed dogs, the sons of Saramā, and then approach the fathers, who are easy to reach and who rejoice at the same feast as Yama".⁴³ It should not go unnoticed that these verses give some indication of what the deceased may actually *experience* along the way and in the realm of the dead. More elaborate descriptions of the world beyond can be found in *R̥g Veda* 9.113.7-11:

Where the inextinguishable light shines, the world where the sun was placed, in that immortal, unfading world, O Purifier, place me. . . . Where Vivasvan's son is king, where heaven is enclosed, where those young waters are—there make me immortal. . . . Where they move as they will, in the triple dome, in the third heaven, where the worlds are made of light, there make me immortal. . . . Where there are desires and longings, at the sun's zenith, where the dead are fed and satisfied, there make me immortal. . . . Where there are joys and pleasures, gladness and delight, where the desires of desire are fulfilled, there make me immortal. . . .

In the context of the Vedic period, the question of experience is an intriguing one. Fully developed accounts of an individual's experiences in the after-death state do not appear until at least the period of the early Upaniṣads. It is, however, quite interesting to consider the passages above in light of later descriptions of postmortem encounters. Take for instance these verses from the *Garuḍa Purāṇa*:

On the thirteenth day, the soul of the dead is taken to the High Way. Now, he assumes a body born of the piṇḍa and feels hungry by day and night. . . . In the path beset with trees, with their leaves as sharp as swords, such tortures are usual. He suffers from hunger and thirst, tortured by the messengers of Yama. The departed soul traverses two hundred and forty-seven Yojanas in twenty-four hours. He is bound by the noose of Yama. He weeps as he leaves the house for the city of Yama. . . . In his upward journey he passes over the best of cities. . . . On the thirteenth day seized by the servants of Yama, and all alone, the departed soul traverses the path like a monkey led by the juggler. As he goes along the

path, he cries aloud repeating: "O my son, O my son, I am undone, alas, I am undone. I did not act well."⁴⁴

As seen here in this passage, the transition from this life to the next is not always a pleasant one. Symbolic forms of manifest anxiety often assert themselves in threshold situations, when a gap between categorical boundaries opens wide to expose raw and unwieldy realities. Indeed, that which falls between well-defined boundaries is almost everywhere regarded as dangerous.⁴⁵ In the Vedic texts as well, the path to heaven is envisioned as being quite perilous. "'Dangerous indeed are the paths that lie between heaven and earth' [*ŚB* 2.3.4.37]; for on either side of these roadways are eternally burning flames which 'scorch him who deserves to be scorched and allow him to pass who deserves to pass' [*ŚB* 1.9.3.2]."⁴⁶ The idea, expressed throughout the *Śatapatha Brāhmaṇa*,⁴⁷ that the dead are punished or rewarded according to their (ritual) deeds indicates, perhaps, the presence of an early form of the notion of moral retribution. However, we should not be fooled into asserting that such ideas were prevalent at the time of the Brāhmaṇas. As Keith presents it, the more characteristic attitude of the Vedic world view, including the Brāhmaṇas, is "that it is a good thing to behold the light of the sun, and to live a hundred years, for which prayers and spells alike are earnestly resorted to, and that, at the end of the life one attains, there will be another, if different yet analogous, life in the world to come with the same pleasures as on earth, but without the disadvantages of human imperfection".⁴⁸

As early as the *Ṛg Veda*, the road travelled by the dead is separated into two distinct paths:⁴⁹ one leading to the gods and another to the fathers—"Go away, death, by another path that is your own, different from the road of the gods".⁵⁰ In this early period, however, the distinction between the two realms is rather vague. It is not until the early Upaniṣads that we begin seeing a clear division, in which the world of the ancestors is said to be associated with the moon, darkness, sacrificial activity, and rebirth; the heavenly realm with the sun, light, knowledge, and immortality.⁵¹ The *pitṛloka*, as conceived in the Vedas and Brāhmaṇas, is frequently evoked as the prime goal of the sacrificer (the deceased). Yet, at this stage, both the divine

realm (*devaloka*) and the world of the fathers often appear somehow to co-exist, which is to say that there seems to have been a confusion regarding their exact location. At some point (perhaps prior to, but certainly by the time of, the first Upaniṣads), the realm of the fathers became associated with the atmospheric mid-space between earth and heaven.⁵² The path that the deceased previously used to reach this obscure realm beyond later developed a fork and branched off into two directions; one road led directly to heaven, the other crossed over into a murky intermediate realm. This transitional space, we are told, is reached by those who have ‘conquered the world’ by “sacrificial offerings, charity and austerity”;⁵³ that is, by those who have diligently followed, throughout their lives, the laws of the Vedic sacrificial system. What had happened was that the ritual models of the Brāhmaṇas had lost their hold and a new paradigm emerged, in which knowledge became the premier instrument of power and control.⁵⁴ With this new model came the concept of ‘self’, and from this, the notion that each ‘self’ (person) lives a series of lives (*saṃsāra*); that the moral quality of the person’s actions performed previously determines the quality of experience in the next life (*karma*); and that the person who possesses the correct knowledge can escape the cycle of rebirth and achieve some ill-defined ultimate state (*mokṣa*).

Olivelle has argued that this great paradigm shift occurred as a result of significant socioeconomic changes in sixth century India, most notably the growth of urban centers.⁵⁵ The rise of urbanization contributed to the emergence of individualist ideologies that “permitted the creation of the first voluntary religious organizations in India”⁵⁶ and set the stage for the development of religious ideas distinct from those of the Brāhmaṇic sacrificial hegemony. It was from within this diversifying religiocultural climate that Buddhism arose as an alternative tradition competing with Brāhmaṇism for the role of the ultimate legitimating religious ideology. This detail may help us appreciate that the “new” traditions that emerged during this period, and particularly the religion of the Upaniṣads and of the early Buddhists, shared similar sociohistorical backgrounds and the common thoughts and values explicit in those sources. The issue of shared traditions

is significant if we are to better understand the specific concepts that the later Buddhist traditions developed from these earlier models.

In summarizing, the point that must be stressed here in the context of our specific interest is that, within the Brāhmaṇic tradition up through the sixth century BCE, we do find notions of death as a transitional event and of postmortem travel along a pathway to a world beyond, a world inhabited both by gods and by recently deceased relatives. These notions are maintained into the period of the Upaniṣads where they are reformulated in light of the new paradigms that had begun to take root. In the next section, we shall consider these same ideas as they are expressed in the earliest Upaniṣadic sources, focusing primarily on the shifting cosmological position of the *pitrloka* and the symbolism associated with this realm's falling fathers.

Shifting Ideologies, Falling Fathers: The Upaniṣadic Model

The classic Upaniṣads represent the culmination of Vedic revelatory wisdom (*śruti*). As a corpus of speculative theory, they rely upon the preceding portions of the Veda to which they belong, and yet maintain total independence and freedom from Brāhmaṇic ritual ideology. Central to the Upaniṣads is the notion of the nonduality of self (*ātman*) and absolute (*Braman*) and the significance of profound insight (gnosis) into the nature of this identity. The emphasis placed on knowledge in the Upaniṣads stands in stark contrast to the Vedic stress on meticulous execution of ritual without gnosis. In fact, the Upaniṣads stand against and devalue 'ritual' (a broad label specifying the central Vedic activity of offering sacrifice), reducing the whole of Vedic religious activity to an inferior position within its broader soteriological scheme while elevating its own gnoseological project.⁵⁷ For our purposes, it is important to note here that the Upaniṣads separate the 'path of works' (sacrificial activity) from the 'path of knowledge'. The former, it is believed, results in a lengthy life on earth and, at death, leads to a heavenly world beyond in the company of gods and fathers. Inasmuch as it requires sacrifice—understood in the Upaniṣads as being a principal cause of human

bondage and suffering—the ritual path represents an obstacle to liberation (*mokṣa*). The path of knowledge, on the other hand, leads to the highest goal, unity with Brahman and deliverance from the ongoing cycle of earthly existence (*saṃsāra*). When considered in light of the Upaniṣadic notion of death and rebirth, we find that the two paths correspond to the ascent and descent of the soul, respectively. Given that the fate of the soul is conditioned and determined by either the deceased's knowledge (*vidyā*) or conduct (*karma*) in his/her previous existence, those who do good become good and those who do evil become evil.⁵⁸ The individual who has sacrificed and performed works of public service (i.e., the good Brahmin ritualist) attains the heavenly realm of the manes (*pitṛloka*) and then returns to this world, while the one who knows the nondual nature of self and Brahman attains the realm of the gods (*devaloka*) and deliverance from repeated birth. With this split between *pitṛloka* and *devaloka*/liberation, the former relegated to a position below the latter, we arrive at the core of what I would now like to explore in more detail; namely, the significance of the Upaniṣadic displacement of the ancestors (exemplars of the Vedic world) and their symbolic relationship to the moon, darkness, and rebirth. To begin, let us consider one of the earliest, and most famous, formulations of the doctrine of the transmigration of souls from the *Chāndogya Upaniṣad*:

Those who know this, and those who worship in the forest, concentrating on faith and asceticism, they are born into the flame, and from the flame into the day, and from the day into the fortnight of the waxing moon, and from the fortnight of the waxing moon into the six months during which the sun moves north; from these months, into the year; from the year into the sun; from the sun into the moon; from the moon into lightning. There a Person who is not human leads them to the ultimate reality. This is the path that the gods go on.

But those who worship in the village, concentrating on sacrifices and good works and charity, they are born into the smoke, and from the smoke into the night, and from the night into the other fortnight [the dark half of the month], and from the other fortnight into the six months when the sun moves south. They do not reach the year. From these months they go to the world of the fathers, and from the world of the fathers to space, and from space to the moon. That is king Soma. That is the food of the gods. The gods eat that.

When they have dwelt there for as long as there is a remnant (of their merit), then they return along that very same road that they came along, back into space; but from space they go to wind, and when one has become wind he becomes smoke, and when he has become smoke he becomes mist; when he has become mist, he becomes a cloud, and when he has become a cloud, he rains. These are then born here as rice, barley, plants, trees, sesame plants, and beans. It is difficult to move forth out of this condition; for only if someone eats him as food and then emits him as semen, he becomes that creature's semen and is born.⁵⁹

In considering this passage, I want to narrow the focus and concentrate primarily on the descriptive components of the path that leads to the realm of the fathers (*pitryāna*). Those verses concerning the path of the gods (*devāyana*) have been quoted simply in order that the latter material might be viewed within its proper context. Let us start by extracting the elements that will drive the remainder of this discussion.

Contained within the *Chāndogya*'s description of the *pitryāna*, we encounter several significant signs, each corresponding to one another and possessing an intuitive cogency. In order of occurrence, they are sacrifice, smoke, night, fathers, space, moon, Soma, wind, mist, cloud, rain, vegetation, and semen. If we then arrange these components according to their associative content into five categories, we have the following: Vedic ritual (sacrifice, smoke), darkness (night, moon, and by connection, Soma), atmosphere (space, wind), moisture (mist, cloud, rain), and fertility/growth (fathers, semen, vegetation). As discussed briefly above, a connection is drawn in the Upaniṣads between Vedic sacrificial activity and the path of the paternal ancestors. Indeed, despite the emergence of radically new conceptual paradigms, the belief that the performance of ritual sacrifice leads to the world of the fathers is never abandoned in these early Upaniṣadic sources. 'Sacrifice', therefore, can be understood as an alloform, so to speak, of both Vedism and the manes. In the context of the physical dynamics of the sacrifice, we can extend the association to include fire and smoke. Transformed by fire (*agni*),⁶⁰ the sacrificial oblation—*soma* in life, the body at death—passes into the 'smoke',

and from the smoke into the 'night'. From these associations, we are lead into our second category, 'darkness'.

We have already noted in some detail that, in Vedic cosmology, the chief place of the dead is the heavenly abode, a realm inhabited by gods and fathers. At death, the 'soul' exits the body and, by the fathers' path, arrives in a divine world pervaded by the lustre of the gods. Heaven, the transcendent goal of the Brāhmaṇic ritualist, is always associated with light and the sun's brilliance.⁶¹ However, in the later Upaniṣadic conceptions, the move toward a radical separation of the realm of the gods from that of the fathers, seen here in the above quote from the *Chāndogya*, redefines the symbolism of the two worlds and introduces into its doctrine of the transmigration of souls the central dichotomy of light and darkness. The *devaloka*, inasmuch as it represents the purity of Brahman, the absolute, continues to be associated with radiant light; the realm of the *pitara*s, falling to an inferior position, becomes the intermediary world of darkness. The *pitṛloka*, at once the pure goal of those seeking immortality, has now become the "way station in the recycling of souls".⁶²

In keeping with this theme of darkness, we see that the soul, *en route* to the world of the paternal ancestors, travels by way of the moon. The moon, an ever-present motif in Indian mythology, is often a symbol both of death and regeneration; its periodic waxing, waning, and disappearance can very easily be understood in light of "the universal law of becoming, of birth, death and rebirth".⁶³ And, as Eliade has observed, "the moon is the first of the dead. For three nights the sky is dark; but as the moon is reborn on the fourth night, so shall the dead achieve a new sort of existence".⁶⁴ These 'dead' who are destined to achieve a new life on earth are none other than the souls of those who, having diligently performed sacrifice and good works in the previous life, but have not gained the 'light' of knowledge, travel the darkened path of the fathers; a path conceived in the Upaniṣads as being the lunar journey of the soul during the "dark half of the month" when the celestial body is periodically 'dying'.⁶⁵ The moon is thus the door to the paternal realm of the dead and, because it is forever renewed, it gives second birth "back to those

who come to it and address it properly” by nourishing them with its divine nectar (*soma*).⁶⁶

In consideration of its nourishing capacity, we should take note of the moon’s connections to moisture (rain), vegetation, and fertility. Gonda suggests that these connections

supposed by many peoples to exist between the moon, rain (*candramaso vai vr̥ṣtir jāyate* “rain comes from the moon” AiB. 8, 28, 15) and plant life were deduced from their being subject to recurring cycles which were held to be governed by the movements of the celestial body which in ‘primitive’ and archaic thought stands for perpetual renewal, from the influence on the growth of living beings attributed to it, and from the conviction that the moon has control of all water and moisture.⁶⁷

We have already seen that the soul, following the path of the fathers, travels to the moon, and from the moon falls back down upon the earth as rain to be (re)born again in plant form. But how to interpret the moon’s fertilizing power? The answer lies in the associated symbolism of the moon’s vitalizing substance, Soma.

This Soma, which in the Vedas denotes not only the fluid draught of immortality but also the juice of a plant offered in libations to the deities of the sacrifice, comes explicitly, in the post-Vedic period, to be a name of the moon.⁶⁸ It is true, nevertheless, that Soma’s connection to the moon had already been foreseen in the early Brāhmaṇas. In this context, Soma was considered to be of heavenly origin and identified as a lunar deity.⁶⁹ As a substance, it became seen as the moon’s nectar (*amṛta*), and by extension the vital juice (*rasa*) of life, both animal and vegetable.⁷⁰ Soma’s identification with the ‘sap of life’ is linked to that aspect of the moon’s symbolism whereby the celestial body is seen as having control over all water and life-bearing moisture. “Being of heavenly descent”, the moon’s *rasa* (Soma) “makes its presence felt in all plants, animals and human beings”.⁷¹ But, Soma is not only the essential life-bearing moisture of the heavens, it is also “the generative force of all male beings”, or rather, semen (*Taittirīya Saṃhitā* 7.4.18.2).⁷² In this connection, we discover an associative link between the moon and fertility; the final link in our

chain of discussion concerning the Upaniṣadic network of symbols surrounding the soul's journey to the realm of the fathers.

To summarize thus far: In the early Vedic period, a lengthy and blissful existence in the radiant divine realm of the fathers (*deva-/pitṛloka*) was the ultimate goal of the Brahmin sacrificial ritualist. When, as a result of various ideological shifts, the nondualist gnoseological project of the Upaniṣads emerged in the sixth century BCE, the ritual mechanics of the Brāhmaṇic world was relegated to an inferior position within the larger Upaniṣadic soteriological scheme, organized around the central concepts of rebirth and final deliverance. Following the movement of this paradigm shift, the cosmological position of the *pitṛloka* (representing the entire Brāhmaṇic universe) fell and the *pitaras* became, in some sense, the intermediaries between heaven (*Brahmaloka*, formerly the *devaloka*) and earth. In the process, the soul's journey to the world of the fathers became associated with darkness and was described in terms of the moon's course during its periodic 'death'. Once connected to the moon, this journey of the soul was seen to culminate in rebirth on earth, first in the form of moisture (rain), then in the form of plants and trees, and then, having been consumed by animals, in the form of male semen to be finally (re)born a human being, but only to start the cycle all over again. Having established connections between the moon, which governs the waters and sponsors the growth of living beings, the Soma that is these waters as well as the essential power behind the cyclical processes of fertility, and the dead, particularly those souls traveling the shadowy path of the fathers and fated to return, we can now widen our focus and explore how these connections may have influenced the early Buddhist notion of the state of postmortem transition (*antarābhava*) and the beings that are said to be its subjects, the *gandharvas*.

Spirits in the Space Between: The Vedic Gandharva

In the Vedas and Brāhmaṇas, *gandharvas* are said to be semi-divine beings who dwell in the atmospheric mid-space (*antarīkṣa*) between

earth and heaven.⁷³ They are affiliated with Soma whose home, as we have noted, is in the heavens; he “guards his home”⁷⁴; “he rises high to the heaven’s fault, beholding all his (Soma’s) varied forms”.⁷⁵ The *gandharvas* are renowned for protecting this divine drink, which, together with Parjanya, the rain-god, and the daughter of the Sun, they stole from the gods.⁷⁶ The Brāhmaṇic sources recount how Soma remained with the *gandharvas*, and how the *gandharva* Vivāsvant (the Vedic father of Yama and Yamī) had stolen the vital juice. At that point the gods and ṛṣis desired the Soma for themselves, and knowing that the *gandharvas* covet women,⁷⁷ they bought the sap from them for the price of a divine woman, the goddess Vāc (speech).⁷⁸ No doubt, as a consequence of their associations with Soma, the *gandharvas* are also described as “knowing plants”.⁷⁹ Recall that Soma is, among other things, the essential vital fluid present in all forms of life, both vegetable and animal.

In a similar vein, the *gandharvas* are occasionally associated with the waters. The *gandharva* as ‘divine youth’ and the nymph of the waters are alluded to as the parents of Yama and Yami (RV 10.10.4). MacDonnell notes that, in the *Ṛg Veda* (9.86.36), Soma poured into water is called “the *gandharva* of the waters”, and also in the *Atharva Veda* (2.2.3 and 4.37.12), the *gandharvas*, together with the *apsarases*, are said to dwell in the waters.⁸⁰ Perhaps, to respond to Oldenberg, the *gandharva* may indeed be linked (in part due to his connection with the fertilizing Soma) to both the celestial water of the clouds and the waters of the earth.⁸¹ In fact, Sāyaṇa, glossing *Ṛg Veda* 8.77.5 in which Indra is said to have cut down the *gandharva* from the celestial region so as to protect the Brāhmaṇas, takes the word ‘*gandharva*’ to mean ‘cloud’ (*gāmudakaṃ dhārathatīti gandharvo meghaḥ*).⁸² From these connections, we can suggest that the *gandharva*’s affiliation with Soma as life-bearing moisture should also include the divine sap’s secondary identity as generative fluid, related intimately to sexuality and fertility.

As attractive semi-divine youths, the *gandharvas* are the natural lovers of the graceful and aquatic *apsarases*.⁸³ In this amorous capacity, the *gandharva* is affiliated with the wedding ceremony, and

the unmarried bride is said to be possessed by him as well as by Soma and Agni.⁸⁴ Consequently, the *gandharva* (Viśvāvasu), during the first few days of marriage, is regarded as the irritating rival of the jealous husband: “Go away from here! For this woman has a husband. . . . Go away from here, Viśvāvasu, we implore you as we bow. Look for another girl, willing and ready. Leave the wife to unite with her husband”.⁸⁵ Lovers and seducers of women, the *gandharvas* are often described as enjoying an active sex life.⁸⁶ It is in this context, I suppose, that the *Śāṅkhāyana Gṛhyasūtra* (1.19.2) identifies the female genitals as the mouth of the *gandharva* Viśvāvasu. Moreover, always given over to pleasure, they are fond of scents (*gandha*)⁸⁷ and scented objects and are described as wearing fragrant (*surabhi*) garments; hence the name *gandharva*, “eaters of scent”.⁸⁸ As sexually virile beings, the *gandharvas*, together with their female companions, the *apsarases*, are believed to preside over fertility and are petitioned by those desiring progeny.⁸⁹ Following the trajectory of this theme, the Buddhists, in a later period, name that being *gandharva* (Pali, *gandhabba*) who, upon departing from its previous existence, enters the womb and becomes an embryo at the moment of conception; its passage recognized as an autonomous transitional period (*antarābhava*) between the end of one life and the beginning of the next.

Intermediate States, Transitional Beings: The Buddhist Antarābhava

The concept of an autonomous postmortem intermediate period between lives can be found in both the Hīnayāna and Mahāyāna sūtras and their commentaries.⁹⁰ Unfortunately, it has been the case that research in Buddhist studies devoted to these textual sources has failed to creatively engage the issue, and thus has contributed very little to our understanding about the historical transformations of this uniquely Buddhist concept.⁹¹ To begin to unravel the theoretical complexities involved in the Indian (and Tibetan) Buddhist texts that deal with postmortem transition, it is necessary first to begin to examine the historical movement of ideas—steps that, in my opinion, have been

taken much too tentatively. That being said, let us return to the matter at hand.

Early on, some schools of Buddhism in India recognized four stages in the life cycle of a sentient being: birth, the period between birth and death, death, and the period between death and the next birth (*antarābhava*). During the intervening period between death and rebirth, as we have previously noted, a being is said to ‘exist’ as a spirit called *gandharva*, composed of subtle aspects of the five aggregates (*skandhas*). Wayman notes that the theory of such ethereal spirits and of the status of their transitional autonomy inspired considerable controversy among the early Buddhist sects.⁹² He lists a number of Buddhist schools that either accepted or rejected the notion. Among those that asserted the existence of the *antarābhava*, were the Sarvāstivādins, Vātsīputrīyas, Sammatīyas, and Pūrvaśailas. The schools that disputed the idea included the Theravādins, Vibhajyavādins, Mahāsāṅghikas, and Mahīśāsakas.⁹³ The details surrounding both the acceptance and the rejection of such a theory are intricately woven throughout a complex fabric of rigorous philosophical argument and speculation. As a consequence, we cannot delve too deeply into the debate, or otherwise we risk veering far off course. We can, however, provide a working outline of the basic assumptions, privileging the ideas of those schools that did accept the notion of *antarābhava*.

According to the *Assalāyanasutta* of the *Majjhima-nikāya* (a Pali Theravāda source), it is said that the conjunction of three factors is necessary for conception to take place: there must be sexual intercourse between the parents, the mother must be in the proper phase of her menstrual cycle (her ‘season’), and a *gandhabba* (Skt., *gandharva*) must be present.⁹⁴ In his commentary on this passage, the pre-eminent fourth century scholar of the Theravāda school, Buddhaghosa interpreted *gandhabba* as the entity that is just about to enter the womb (*tatrūpakasatta*), that is prepared to exist (*paccupaṭṭhito hoti*), and that is propelled by its *kamma* (Skt., *karma*).⁹⁵ As a proponent of Theravāda tenets, Buddhaghosa did not accept that his interpretation implied the existence of an intermediate state (*antarābhava*). On this

topic, he was simply stating a point consistent with the philosophical position of his school; a point briefly argued in the *Kathā-vatthu* of the *Abhidhamma-piṭaka* (8.2).⁹⁶

In opposition to this Theravādin interpretation, the Sarvāstivāda sect, among others, supported the notion that the transitional period did indeed exist. In his *Abhidharmakośa* (a masterful fourth century exposition of the Sarvāstivāda position), Vasubandhu argued the case in some detail. As he defined it, the intermediate being and its state of existence are to be located between the moment of death and the moment of (re)birth.⁹⁷ Quoting a passage similar to the one we noted above, Vasubandhu writes:

We read in the Sūtra, “Three conditions are necessary for an embryo to descend: the woman must be in good health and fertile, the pair must be united, and a Gandharva must be ready.” What is the Gandharva if not an intermediate being?⁹⁸

This *gandharva* is said to be composed of the five aggregates which proceed to the place of rebirth,⁹⁹ and to possess the configuration of what is to be the form of the future being after conception.¹⁰⁰ Moreover, he is “seen by the creatures of his class . . . by the divine eye. His organs are complete. No one can resist him. He cannot be turned away”.¹⁰¹ Concerning the name ‘*gandharva*’, Vasubandhu explains

[The intermediate being] eats odors. From whence it gets its name of Gandharva, “he who eats (*arvati*) odors (*gandham*).” The meanings of the roots are multiple: *arv*, if one takes it in the sense of “to go,” justifies “he who goes to eat odors” (*arvati gacchati bhoktum*). We have *gandharva*, and not *gandhārva*, as we have *śakandhu*, or *karkandhu*. A Gandharva of low rank eats unpleasant odors; a Gandharva of high rank eats pleasant odors.¹⁰²

In addition to the answer Vasubandhu offers, it is certainly possible that the *gandharva* became identified in some Buddhist traditions as the being of the intermediate state not only because of its etymological associations, but also more importantly because of its cosmographic connection in the Vedas to the atmospheric mid-space between earth and heaven, its relationship to Soma, and its affiliations with fertility and conception. The *gandharva* is thus the means, or access

(*sagamana*), through which a being, emerging from its previous life, reaches its new proper existential course (*gati*).¹⁰³ Moreover, in considering other possible symbolic associations, we should not ignore the intriguing passage from the *Bṛhadāraṇyaka Upaniṣad* (4.4.4) in which the *gandharva*'s body is likened to the 'body' achieved after death: "And as a goldsmith, taking a piece of gold turns it into another, newer and more beautiful shape, even so does this self, after having thrown away this body and dispelled its ignorance, make unto himself another, newer and more beautiful shape like that of the fathers or of the *gandharvas*...". We should be cautious, however, in drawing firm conclusions from statements that appear, or are implied, only once in the text, as is the case with this particular passage. In almost every instance, *gandharvas* (if even mentioned at all) are not identified in the early Upaniṣads as transitional beings.

To help strengthen his argument for the existence of intermediate state beings, Vasubandhu introduces statements by the Buddha concerning the five types of non-returners (*anāgāmin*)—those individuals who, having died in this world, are reborn in a heaven where they will achieve liberation.¹⁰⁴

The Blessed One teaches that there are five types of *Anāgāmins*: one who obtains Nirvāṇa in an intermediate existence (*antarāparinirvāyin*), one who obtains Nirvāṇa as soon as he is reborn (*upapadyaparinirvāyin*), one who obtains Nirvāṇa without effort (*anabhisamṣkāraparinirvāyin*), one who obtains Nirvāṇa by means of effort (*anabhisamṣkāraparinirvāyin*), and one who obtains Nirvāṇa by going higher (*ūrdvasrotas*).¹⁰⁵

In commenting on the first type of non-returner (that individual who achieves enlightenment in the intermediate state), Vasubandhu offers the following summary of the teachings found in the *Satpuruṣaḡatis-sūtra*:

This Sūtra teaches that one should distinguish three types of *antarāparinirvāyins* on the basis of their differences of duration and place: the first is similar to a spark that is extinguished as soon as it arises; the second to a fragment of reddened metal which enlarges in its flight; the third to a fragment of reddened metal which enlarges in its flights, but later, and without falling back into the sun... Or rather, the first *antarāparinirvāyin* obtains Nirvāṇa as soon as

he has taken possession of a certain divine existence; the second after having experienced a heavenly bliss; and the third, after having entered into company or conversation with the gods. . . . We say that, for the masters who admit these Sūtras, the existence of an intermediate being or the “*skandhas* in the interval” is proved both by Scripture and reasoning.¹⁰⁶

For our purposes, the crucial point in all of this is that, for those Buddhists who accepted the theory of an intermediate state, a being emerging from its previous existence could either return by way of reconception in the form of a *gandharva* or escape rebirth by never returning, and thus achieve *nirvāṇa*. Nevertheless, in both instances the being would have to pass through an intervening (*antarā*) moment of existence (*bhava*) between either of the two future conditions. We should now consider how the former entity, the *gandharva*, is said to enter the womb and develop as an embryo upon conception.

Having fully substantiated his claim for the existence of the intermediate state, Vasubandhu proceeds to explain how rebirth (*pratisaṃdhi*) takes place:

An intermediate being is produced with a view to going to the place of its realm of rebirth where it should go. It possesses, by virtue of its actions, the divine eye. Even though distant he sees the place of his rebirth. There he sees his father and mother united. His mind is troubled by the effects of sex and hostility. When the intermediate being is male, it is gripped by a male desire with regard to the mother; when it is female, it is gripped by a female desire with regard to the father; and, inversely, it hates either the father, or the mother, whom it regards as either a male or a female rival. As it is said in the Prajñāpti, “Then either a mind of lust, or a mind of hatred is produced in the Gandharva.”

When the mind is thus troubled by these two erroneous thoughts, it attaches itself through the desire for sex to the place where the organs are joined together, imagining that it is he with whom they unite. Then the impurities of semen and blood are found in the womb; the intermediate being, enjoying its pleasures, installs itself there. Then the *skandhas* harden; the intermediate being perishes; and birth arises that is called “reincarnation” (*pratisaṃdhi*).¹⁰⁷

Even without making obvious comparisons to Freud’s Oedipus, this passage is of particular interest to us if we consider it in light of the Vedic notion of the *gandharva*. We should remember that in the Vedas the *gandharva* is famous for his beauty and seductive power.

His passionate love for women often put him in compromising positions, especially when seen by others as an annoying rival of the young bride's new husband. It would appear then that, in the minds of the early Buddhists, the *gandharva's* amorous and sordid nature became the source of an uncontrollable lust that prevented him from achieving loftier goals. Clearly, we see reason to identify the *gandharva* with that being who, obscured by passion, is on the recycling path far from Buddhist enlightenment.

By the sixth century CE, Buddhist descriptions of the intermediate state had solidified, following a standardized model first established by the earlier schools.¹⁰⁸ Further transformations and amendments to this model would not occur until Tantrism began its vast sweep across Northern India in the seventh and eighth century. The Buddhist Siddha cults of this period reinterpreted, elaborated, and embellished the *antarābhava* theory in the context of their specific metaphysical and soteriological projects. These systems were then introduced to Tibet, where theories of transitional states (*bar do*) achieved unprecedented rank among the essential teachings of Buddhism.¹⁰⁹ It is important to realize that, despite its controversial beginnings, the concept of the *antarābhava* continued to flourish and to exert a significant force upon the theories and practices of the later (Northern) Buddhist traditions. We should now summarize the major points discussed above in order to clear a path for our closing argument.

The early Buddhist sects were divided over whether or not an intermediate state between lives should be recognized. Those schools that rejected the notion did, however, accept the name '*gandharva*' (Pali, *gandhabba*) for that which enters the womb upon conception. It was argued that this '*gandharva*' was simply a term for the particular consciousness that linked one existence to another (*paṭisandhi viññāna*) and was not a discarnate spirit of any kind.¹¹⁰ On the other hand, those schools that accepted the *antarābhava* theory advanced the notion that the *gandharva* was in fact an actual disembodied transitional being wandering in search of its next place of birth. A being in the intervening state had two possible paths before it: (1) as a *gandharva* driven by the *karma* of its previous existence, the being

could be reborn in this world, in which case it would have to eventually enter the womb of its future mother, but only if conditions were right (i.e., if the parents were engaged in sexual intercourse, the mother was in her 'season', and the *gandharva* was present); or, (2) if particularly advanced along the Buddhist path, the being could opt out of existence, so to speak, and, in the period of transition, achieve final liberation (*parinirvāṇa*) from the ongoing cycles of birth and death (*samsāra*). Here we simply encounter a version of the basic Buddhist teaching of moral retribution—those who follow the righteous path set forth by the Buddha achieve the highest goal, while those who blindly follow the whims of passion and desire are swept up by the fierce winds of *karma* and driven back down into another existence, only to begin the cycle all over again.

Synthesis and Conclusion

I would like now to adopt a comparative approach and examine the three models presented above in terms of their relationship to one another. It is my contention that these apparently distinct models actually form part of a conceptual continuum, but are not necessarily linked by direct causal development. Let me illustrate my point. The Vedic model can be represented by two poles that, when arranged spatially, are aligned along a vertical axis. The upper pole corresponds to the heavenly realm of the fathers (*devaloka/pitrloka*)—recall that in this period the two realms are not clearly distinguished; the lower pole corresponds to the earthly realm. Placed in the interval between the two is the sacrifice, the fulcrum of the entire Vedic system and the link that connects earth to the heavenly world above (fig. 1). More specifically, in terms of the system's mechanics, an individual, via the sacrificial act, passes from the microcosmic plane (*adhyātman*) to the macrocosmic realm of divinity (*adhidevatā*), here identified as either *devaloka* or *pitṛloka*. At death, this transition from microcosm to macrocosm is a material one and is understood quite literally as a final sacrifice to be performed by every human being.

As a result of various ideological shifts that had taken place in India around the sixth century BCE, the Vedic model was redefined

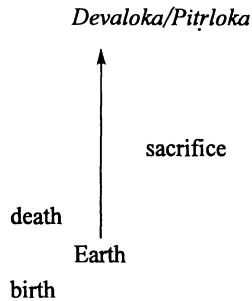


Figure 1. The Vedic model.

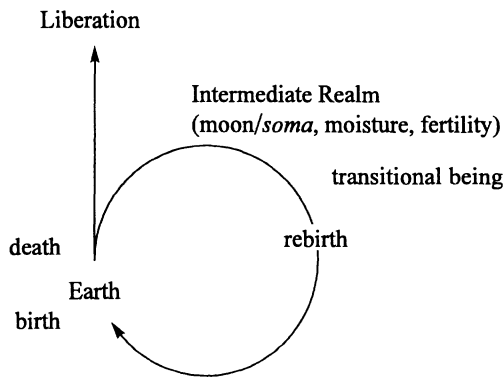


Figure 2. The general post-Vedic model.

and hence spatially rearranged (fig. 2). In the Upaniṣadic model, we still have a basic vertical polarity, only now the *pitrloka* has been separated from the *devaloka* and situated in the space between heaven and earth (fig. 3). This shifting of the father's realm to an intermediary level occurred in part because of the ancestor's intimate relationship to the Vedic sacrifice (it should not go unnoticed that in the Vedic model this ritual activity occupies the intervening space between earth and heaven). In the Upaniṣads, the ritual system of the Brāhmaṇas had lost its preeminent position, displaced by a new paradigm in which knowledge assumed supremacy. With this new paradigm came the notion that each person lives a series of lives (*saṃsāra*); that the moral quality of the person's previous actions

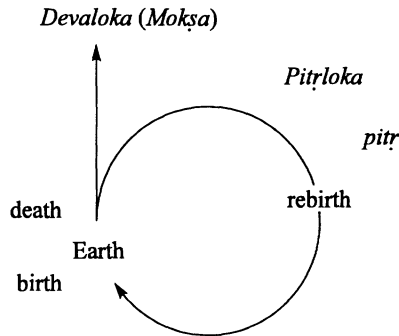


Figure 3. The Upaniṣadic model.

(*karma*) determines the quality of existence in the next life; and, that the person who possesses the correct knowledge of the nonduality of self and Absolute (*Brahman*) can forever escape (*mokṣa*) the ongoing cycles of birth and death. In the Upaniṣadic model, final deliverance is identified as *devaloka* (or *Brahmaloka*) and corresponds to the upper pole on the vertical axis. At death, the soul's journey follows one of two distinct paths: one leading to the 'gods' (and liberation), another to the fathers (and rebirth). The latter path is followed by those who have 'conquered the world' through a lifetime of sacrificial offerings and public service. In other words, the realm of the fathers is reached via ritual activity and good works, and without supreme gnosis. For the Upaniṣads, knowledge is what liberates the soul and 'sends' it to the world above. The heavenly realm is associated with the sun and its radiant light (knowledge and immortality), the paternal realm with the moon and darkness (ignorance and death).

The moon itself being periodically 'dead' becomes the prototype of the deceased's passage and return to life. The life cycle of the soul, subject to alternate periods of birth and death, is regarded in the Upaniṣads as being governed by the cycle of the moon; and because this cycle demonstrates that there is life in death, the dead are said to go to the moon to be regenerated and transformed, all in preparation for a return to a new life on earth. It was believed that the journey back followed the descent of the divine life-bearing essence, or Soma, the vitalizing moisture that manifests itself in the cyclical

processes of fertility. This Soma was associated in Vedic mythology with its protector, the semi-divine *gandharva*. Occupying the mid-space between heaven and earth, the atmospheric realm (*antarikṣa*) of clouds, moisture and rain, the *gandharva* took over the attributes of the divine Soma and became affiliated with the powers of fecundity and reproduction. The Buddhists, appropriating the concept of this intermediary being, maintained that the *gandharva* was that entity who, upon emerging from its previous existence, eventually enters the womb and becomes an embryo at the moment of conception.

The Buddhist model can also be represented as a vertical polarity with an intermediate zone. Although structurally consistent with the Upaniṣadic model, it replaces that system's concept of *mokṣa* (*devaloka*) with its own *nirvāṇa* and the *pitṛloka* with its *antarābhava* (fig. 4). Emerging from within the same conceptual environment that gave rise to the soteriological project of the Upaniṣads, Buddhism also presented its own version of the doctrines of *saṃsāra*, *karma* and liberation from the cycles of birth and death. Similarly, the Buddhists argued that, at death, a being could travel one of two paths. If, in his/her previous life, the individual had performed good works, diligently practiced the Buddha's teachings, and had gained as a result the proper wisdom, s/he would travel the straight path upward and, from within the intervening state, achieve the final goal, emancipation (*nirvāṇa*) from the ongoing cycles of existence. If, on the other hand,

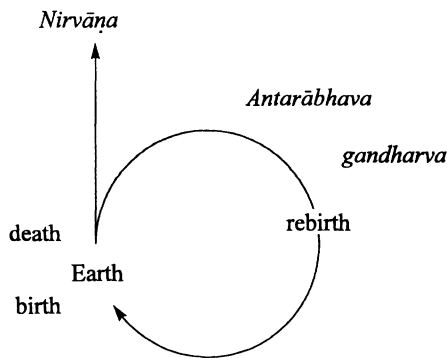


Figure 4. The Buddhist model.

the individual had failed in the prior life to perform many virtuous deeds and had not gained the wisdom of the Buddha's teachings, s/he would be caught in the recycling process and as a *gandharva*—the intermediate state being—descend into a womb to be born again.

In the final analysis we see that, structurally speaking, the Buddhist and Upaniṣadic models, proceeding from the vertical polarity of the earlier Vedic model, correspond to one another and together exhibit a more generalized pattern like that diagrammed in figure 2. In terms of the conceptual history of the idea of a postmortem transitional period, we can argue that the Buddhist *antarābhava* is conceptually linked to the Upaniṣadic *pitṛloka* and that notions surrounding the latter may have, in some sense, provided the cosmographic and symbolic components for the development of the intermediate state concept in Buddhism. The argument is made clearer if we consider the correspondences between the two systems. In the Upaniṣads, the paternal realm is spatially positioned between earth and 'heaven', the state of final liberation (*mokṣa*) as well as between death and rebirth. The fathers and the path to their abode are associated with ritual activity, the moon, Soma, life-bearing moisture, and rebirth. Like the *pitṛloka*, the Buddhist *antarābhava* is also placed between earth and the liberated state (*nirvāṇa*) as well as between death and rebirth. The inhabitants of this intermediate realm are called *gandharvas*—semi-divine liminal beings closely associated with Soma, life-bearing moisture and fertility. As disembodied transitional beings, *gandharvas* travel the intervening space and, upon conception, enter a womb; the first moment of a new existence.¹¹¹

The conclusion that I would like to draw out from the argument above is that the Buddhists, in formulating their notion of the intermediate state, may have borrowed elements from Vedic and Upaniṣadic theories of postmortem transition. Sharing similar ideological assumptions, the symbol systems operating in both Buddhism and the early Upaniṣads allowed for a certain amount of cross-fertilization. From the Buddhist side, it appears that the *antarābhava* theory is either partially or entirely the result of the fusion of Upaniṣadic cosmography (*pitṛloka*) and Vedic mythology (*gandharva*), transposed

on a grid that is structurally, but not conceptually, identical to that of its Upaniṣadic rival.

Department of Religious Studies
Cocke Hall, University of Virginia
Charlottesville, Virginia 22903, USA

BRYAN J. CUEVAS

* I would like to thank Professor David G. White of the University of Virginia, for his wise and patient guidance.

¹ John Martin Fischer, *The Metaphysics of Death* (California: Stanford University Press, 1993), 4.

² Ibid., 4.

³ Pierre Bourdieu, *The Logic of Practice* (California: Stanford University Press, 1990), 228.

⁴ See Victor Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca, New York: Cornell University Press, 1967) and *The Ritual Process: Structure and Anti-Structure* (Ithaca, New York: Cornell University Press, 1969).

⁵ For examples, see Maurice Bloch and Jonathan Parry, *Death & the Regeneration of Life* (Cambridge: Cambridge University Press, 1982); Richard Huntington and Peter Metcalf, *Celebrations of Death* (Cambridge: Cambridge University Press, 1979 & 1991); James L. Watson and Evelyn S. Rawski, *Death Ritual in Late Imperial and Modern China* (Berkeley: University of California Press, 1988); Robert Hertz, *Death & the Right Hand* (New York: Free Press, 1960); Stan Royal Mumford, *Himalayan Dialogue* (Wisconsin: University of Wisconsin Press, 1989); and, Glenn H. Mullin, *Death and Dying: The Tibetan Tradition* (Boston: Arkana Paperbacks, 1986).

⁶ See, for instance, *Mahāvvyutpatti* 1015, 7680; *Lankāvatāra-sūtra* 160.5, 177.4, 370.14; *Dharmasaṃgraha* 103; *Mahāvastu* 1.33.6; Vasubandhu's *Abhidharmakośa* 3.10-15; Asaṅga's *Bodhisattvabhūmi* 390.19 and *Yogācārābhūmi* 1.20.4-13. Of the early schools of Indian Buddhism, the Theravādins contested the notion of a post-mortem intermediate period (*antarābhava*). I will consider in more detail the issue of Buddhist postmortem states in the latter part of this paper.

⁷ These are: form (*rūpa*), sensation (*vedanā*), perception (*saṃjñā*), mental formations (*saṃskāra*), and consciousness (*viññāna*).

⁸ For details see Alex Wayman, "The Intermediate-State Dispute in Buddhism". In *Buddhist Studies in Honour of I.B. Horner*, L. Cousins, ed. (Holland: D. Reidel Publishing Company, 1974), 227-239.

⁹ At this point, I have been unable to locate the use of the term *antarābhava* in any Vedic or Post-Vedic textual source. The term, however, does appear in Amarasimha's *Amarakośa* (3.4.135), dating sometime between the sixth and eight

centuries CE. This find is not tremendously significant since Amarasiṃha was supposedly a Buddhist, but it is interesting to note that he identifies the *antarābhava* entity as a *gandharva* (*antarābhavasattve gandharvo divyagāyane//bar do bar srid sems can dang rta dang lha yi glu gandharva*). See *Amarakośa and Its Tibetan Translation* ('*Chi Med mDzod*), M.M. Satis Chandra Vidyābhūṣaṇa, ed. Gangtok, 1984, 833.

¹⁰ This information has been gathered from David M. Knipe, *Hinduism* and Stephanie Jamison, *The Ravenous Hyenas and the Wounded Sun* (Ithaca: Cornell University Press, 1991), 11.

¹¹ Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion* (New York, 1989), 46.

¹² Bruce Lincoln, *Myth, Cosmos, and Society: Indo-European Themes of Creation and Destruction* (Cambridge, Massachusetts: Harvard University Press, 1986), 139.

¹³ Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion*, 50.

¹⁴ RV 10.90.16; unless otherwise noted, all translations from the *Ṛg Veda* are O'Flaherty's (New York: Penguin Books, 1981).

¹⁵ Bruce Lincoln, *Myth, Cosmos, and Society*, 127.

¹⁶ *Ibid.*, 127.

¹⁷ RV 10.16.2. For an intriguing analysis of cremation/sacrifice as primarily an act of cooking that both feeds the god Agni and preserves that part of the deceased which is to be conveyed to the world beyond see Charles Malamoud, "Cuire le monde". In *Cuire le monde: rite et pensée dans l'inde ancienne* (Paris: Editions de la Découverte, 1989).

¹⁸ Arthur Berriedale Keith, *The Religion and Philosophy of the Vedas and Upaniṣads* (Cambridge, Mass., 1925; reprint Delhi, 1970), 403.

¹⁹ See also RV 10.58.

²⁰ RV 10.16.5.

²¹ RV 10.14.8 (emphasis added).

²² Perhaps to a lesser degree, this 'subtle' body is also composed of light. A rather peculiar reference to light and the intermediate body is found in *Ṛg Veda* 10.56.1: "This is your one light, and there beyond is your other; merge with the third light. By merging with a body, grow lovely, dear to the gods in the highest birthplace". O'Flaherty interprets the light 'beyond' as a reference to the sun, the 'one light' to the funeral pyre, and the 'third light' to the realm of the dead (O'Flaherty, *Rig Veda*, 94). I must admit, the result of O'Flaherty's educated effort to make sense of this intriguing passage is quite plausible, even though she offers no documented evidence for her position. However, I would prefer that the 'third light' represent the sun or a similar source of intense radiance, rather than the 'light beyond', which could just as easily be thought of as the realm of the dead. The reason for this switch is dependent upon my reading of several passages from the *Śatapatha Brāhmaṇa*, where the sun

is understood as death. It is here also that reference is made to a 'glowing light', a 'lotus-leaf', and an 'immortal element', all of which are homologous and related intimately with death. The key is contained in the following verse: "... after laying down the *lotus-leaf*, it is on that *immortal element* that he builds for himself a body ... and he becomes immortal" (ŚB 10.4.5.2; Julius Eggeling's translation). Concerning this 'immortal element', we find: "And that man in yonder (sun's) orb is no other than Death; and that *glowing light* is that *immortal element*..." (ŚB 10.5.2.3). And, "that *glowing light* is the same as this *lotus-leaf*..." (ŚB 10.5.2.6).

Now, amid the confusion, I would like to construct a coherent picture of what all this might mean. The 'one light' is indeed the fire of cremation. The 'light beyond' is the realm of death—"yonder (sun's) orb is no other than Death". At some level, O'Flaherty may be correct in identifying this light with the sun, but clearly the essential point is that the 'yonder orb' is linked to death itself. The 'third light', or rather 'the glowing light', is the 'immortal element' out of which arises the subtle body; hence, to "merge with the third light" is just another way of saying "merging with a body". And, having "putteth on the radiant" (ŚB 10.5.2.4), the deceased joins "the gods in the highest birthplace".

²³ See for example RV 10.58 and AV 6.18.

²⁴ Arthur B. Keith, *The Religion and Philosophy of the Vedas and Upaniṣads*, 403.

²⁵ RV 10.16.3.

²⁶ The *ātman*, together with the breaths (*prāṇas*), becomes in the Upaniṣads a topic of considerable importance, and one that succeeds in generating potentially endless speculation.

²⁷ Unless otherwise noted, all translations from *Atharva Veda* (AV) are William Dwight Whitney's (Cambridge, Mass., 1905; reprint Delhi, 1962).

²⁸ For a detailed discussion of this relationship consult Bruce Lincoln, *Myth, Cosmos, and Society*, specifically pp. 119-140.

²⁹ David M. Knipe, "*Sapindikarāṇa*: The Hindu Rite of Entry into Heaven", in *Religious Encounters with Death*, ed. Frank Reynolds and Earle Waugh (Pennsylvania State University, 1977), 114.

³⁰ See for example, *Śāṅkhāyana Gṛhyasūtra* (3.5, 6; 4.2.7), *Pāraskara Gṛhyasūtra* (3.10.49), *Baudhāyana Gṛhyasūtra* (3.12.14), and *Bhāradvāja Gṛhyasūtra* (3.17). In this later literature, a clear distinction is made between the recently deceased, called *preta*, and the distantly deceased, the fathers (*pitaras*). Elaborate funerary rituals (*śrāddha*) are prescribed for the purposes of enabling the *preta* to join the company of its ancestors. It is believed that failure to perform the rites may result in the *preta* becoming angry. In thinking of *pretas* as vengeful spirits, we may be reminded of the so-called 'hungry ghost' (also referred to as *preta*) in Buddhist literature. The relationship between Hindu and Buddhist conceptions of *preta* is a fascinating and complex issue that has received little scholarly attention—the details remain to be

sorted and examined. I have not included a discussion on this topic because the Buddhist notion of *preta* rests firmly within a specific cosmological framework (e.g., the six realms of existence) distinct from notions of *antarābhava*. Unlike the Hindu *preta* of the ritual sūtras, its Buddhist counterpart is rarely, if ever, identified as a postmortem transitional entity; hence, the issue is not particularly relevant at this stage in our examination of intermediate-state theories.

Nonetheless, for comparative analyses of Hindu and Buddhist notions of *preta* within the broader context of merit transfer, see John C. Holt, "Assisting the Dead By Venerating the Living: Merit Transfer in the Early Buddhist Tradition," *Numen* 28, no. 1 (1981): 1-28; and David G. White, "*Dakṛhina* and *Agnicayana*: An Extended Application of Paul Mus's Typology," *History of Religions* (1986): 188-213.

³¹ RV 1.72.7; 10.14.1; 10.14.2; 10.14.7; 10.14.10; 10.164.30-31; 10.88.15.

³² RV 10.56.1; 10.56.5; 10.56.7.

³³ RV 10.164.30; 10.58.

³⁴ O'Flaherty, *The Rig Veda*, 48.

³⁵ J.C. Heesterman, *The Inner Conflict of Tradition* (Chicago: University of Chicago Press, 1985), 32-33. Heesterman discusses this myth in the context of a much broader argument; namely, that, with the elimination of Death as a participant in the ritual, the rival was likewise eliminated and thus "the single yajamāna was enabled to deal ritually with death without incurring the risk involved in the ambivalent cooperation with the others" (32). This moment marked the beginning of Heesterman's so-called "classical period" in Vedic India.

³⁶ The daily morning and evening fire sacrifice.

³⁷ ŚB 2.3.3.15.

³⁸ ŚB 4.2.5.10 (emphasis added).

³⁹ Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion*, 106. For a discussion of the correlation between sunlight and the fires of the *agnihotra* ritual, consult H.W. Bodewitz, *The Daily Evening and Morning Offering (Agnihotra) according to the Brāhmaṇas* (Leiden: E.J. Brill, 1976).

⁴⁰ For actual details concerning these rites, consult David Knipe, "*Sapīṇḍikaraṇa*: The Hindu Rite of Entry into Heaven"; Pandurang Vaman Kane, *History of Dharmaśāstra: Ancient and Medieval Religious and Civil Law* (Poona, 1968-1975), vol. IV, 220-240 & 520-525; Veena Das, "The Uses of Liminality: Society and Cosmos in Hinduism", *Contributions to Indian Sociology* 10, no. 2 (1976): 245-263; and Meena Kaushik, "The Symbolic Representation of Death", *Contributions to Indian Sociology* 10, no. 2 (1976): 265-292.

⁴¹ Translation by S. Radhakrishnan, *The Principal Upaniṣads* (London, 1953; reprint Atlantic Highlands, NJ: Humanities Press, 1992), 432.

⁴² RV 10.14.2.

⁴³ RV 10.14.7, 10; also AV 8.2.11.

⁴⁴ *Garuḍa Purāṇa* (*pretakāṇḍa*) 2.15.72, 76, 78-82, 84-85. Translation in *Ancient Indian Tradition & Mythology* (Delhi: Motilal Banarsidass, 1979), vol. 13, 812-813. See also Emil Abegg, *Der Pretakalpa des Garuḍa Purāṇa* (Naunidhirāma's *Sāroddhāra*): *Eine Darstellung des hinduistischen Totenkultes und Jenseitsglaubens* (Berlin and Leipzig: Walter de Gruyter & Co., 1921), 44-58.

⁴⁵ Issues related to death, impurity, and danger are, by now, quite overworked clichés. Nonetheless, the classic studies on the topic are still Hertz's "A Contribution to the Study of the Collective Representation of Death" in *Death and the Right Hand*, trans. R. & C. Needham (New York: Free Press, 1960), 27-86; Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (1966; reprint, New York: Ark Paperbacks, 1989); and, more recently, Maurice Bloch and Jonathan Parry, ed. *Death and the Regeneration of Life* (Cambridge: Cambridge University Press, 1982).

⁴⁶ Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion*, 108.

⁴⁷ See for example ŚB 11.2.7.33.

⁴⁸ Arthur B. Keith, *The Religion and Philosophy of the Vedas and Upaniṣads*, 410.

⁴⁹ Lincoln has shown that the image of a bifurcated path on which the dead travel has its roots in a common mythic motif found throughout various Indo-European 'funerary geographies', ranging from the earliest hymns of the *R̥g Veda* to nineteenth century Russian folklore. See his *Death, War, and Sacrifice: Studies in Ideology and Practice* (Chicago: University of Chicago Press, 1991), 119-127.

⁵⁰ RV 10.18.1.

⁵¹ See *Bṛhadāraṇyaka Upaniṣad* (BĀU) 6.2.15-16; *Chandogya Upaniṣad* (ChU) 4.15.5, 5.10.1-2.

⁵² Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion*, 115n.185.

⁵³ BĀU 6.2.16.

⁵⁴ See for example BĀU 1.5.16.

⁵⁵ Patrick Olivelle. *Samnyāsa Upaniṣads: Hindu Scriptures on Asceticism and Renunciation* (Oxford: Oxford University Press, 1992), 19-57.

⁵⁶ *Ibid.*, 33.

⁵⁷ See for example BĀU 4.4.22; ChU 1.12 and 5.24.4; and *Taittirīya Upaniṣad* (TaitU) 2.3.

⁵⁸ BĀU 4.4.5.

⁵⁹ ChU 5.10.1-6 (brackets added), translation by Wendy Doniger O'Flaherty in *Textual Sources for the Study of Hinduism* (Totowa, New Jersey: Barnes & Noble Books, 1988), 36-37. For alternative passages, compare BĀU 6.2.15-16; ChU 4.15.5-6; and *Kauṣītaki-Bṛāhmaṇa Upaniṣad* (KBu) 1.2.

⁶⁰ RV 1.72.7; 2.2.4; 10.16.2.

⁶¹ RV 1.109.7; 1.125.6; 10.56.1; 10.58.6; 10.107.2; 10.154.5; 27.21; AV 3.29.3; 4.34.2-6; 6.120.3; 11.4; ŚB 11.5.6.4; 14.7.1.32-33.

- ⁶² Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion*, 115n.185.
- ⁶³ Jan Gonda, "Soma, Amṛta and the Moon" in *Change and Continuity in Indian Religion* (London: Mouton & Co., 1965), 40.
- ⁶⁴ Mircea Eliade, *Patterns in Comparative Religion* (New York: New American Library, 1958), 171.
- ⁶⁵ For information concerning lunar symbolism and the prognostic and diagnostic significance of the moon's periodic cycle in Indian medicine, consult Francis Zimmermann's "*Ṛtu-Sālmya: The Seasonal Cycle and the Principle of Appropriateness*", *Social Science & Medicine* 14B (1980): 99-106.
- ⁶⁶ Gonda, "Soma, Amṛta and the Moon", 44. Gonda's statement comes as a response to a passage he had earlier quoted from the *Jaiminiya Upaniṣad* (JU) 3.27.17.
- ⁶⁷ Ibid., 42.
- ⁶⁸ Ibid., 38.
- ⁶⁹ See ŚB 1.6.4.5; 7.3.1.46; 11.2.5.3.
- ⁷⁰ ŚB 6.2.2.6. Reference from David White, *The Alchemical Body* (Chicago: University of Chicago Press, forthcoming), 21n.35.
- ⁷¹ Gonda, "Soma, Amṛta and the Moon", 46.
- ⁷² Ibid., 48.
- ⁷³ RV 1.22.14; 8.66.5; 10.39.5.
- ⁷⁴ RV 9.83.4; translation by Ralph T.H. Griffith in *Hinduism: The Rig Veda* (1889; reprint, New York: Quality Paperback Book Club, 1992).
- ⁷⁵ RV 9.85.12; translation by Griffith.
- ⁷⁶ RV 9.113.3.
- ⁷⁷ RV 10.85.21-22; ŚB 3.2.4.3; *Maitrāyaṇi Saṃhitā* (MS) 3.7.3; *Pañcaviṃśa Brāhmaṇa* (PB) 19.3.2.
- ⁷⁸ *Aitareya Brāhmaṇa* (AB) 1.1.27; ŚB 3.2.4; *Taittirīya Saṃhitā* (TaitS) 6.1.6.5; MS 3.7.3.
- ⁷⁹ AV 4.4.1.
- ⁸⁰ A.A. MacDonell, *The Vedic Mythology* (Varanasi: Indological Book House, n.d), 137.
- ⁸¹ Hermann Oldenberg, *The Religion of the Veda*, trans. Shridhar B. Shrotri (Delhi: Motilal Banarsidass, 1988), 125.
- ⁸² Referenced and quoted in R.S. Panchamukhi, *Gandharvas & Kinnaras in Indian Iconography* (Dharwar: Kannada Research Institute, 1951), 3.
- ⁸³ AV 2.2.5; PB 12.11.10.
- ⁸⁴ RV 10.85.40-41.
- ⁸⁵ RV 10.85.21-22; translation by O'Flaherty.
- ⁸⁶ AV 4.34.2-3.
- ⁸⁷ AV 12.1.23.
- ⁸⁸ RV 10.123.7.

⁸⁹ PB 19.3.2.

⁹⁰ Principal exegetical sources for the Hinayāna may be found in Vasubandhu's *Abhidharmakośa* (*Kośa*) 3.10-16; 3.40; 4.53; 6.34, 39, and like sources for the Mahāyāna are Asanga's *Abhidharmasamuccaya* and the *Bhūmivastu* section of his *Yogacaryābhūmi* 1.20.4-13.

⁹¹ I know of only one article in English devoted entirely to this issue, and that is Alex Wayman's "The Intermediate-State Dispute in Buddhism" in *Buddhist Studies in Honour of I.B. Horner*, ed. L. Cousins (Holland: D. Reidel Publishing Company, 1974), 227-239. The topic is discussed by Shōku Bando in his "Antarābhava", *Indogaku Bukkyōgaku Kenkyū* (*Journal of Indian and Buddhist Studies*) 27, no. 2 (1979): 182-183, but unfortunately this work has not been translated. Dieter Michael Back's philological analysis of the so-called *Tibetan Book of the Dead* is perhaps the first study that genuinely attempts to move beyond the psychological, devotional, and/or sectarian biases of the vast majority of scholars working in this particular area. See his *Eine buddhistische Jenseitsreise: Das sogenannte "Totenbuch der Tibeter" aus philologischer Sicht* (Wiesbaden: Otto Harrassowitz, 1979).

⁹² Alex Wayman, "The Intermediate-State Dispute in Buddhism", 227.

⁹³ Wayman, 227. These schools developed approximately a century after the Buddha's death as a result of certain schisms that had taken place in the Buddhist Order. The initial split occurred during the famed Second Council (c. 383 BCE), which was held over the issue of whether or not certain practices adopted by the monks of Vaiśālī were in violation of the monastic precepts (*vinaya*). The verdict resulted in the formation of two schools: the Mahāsaṅghika and the Sthaviravāda. Many more schools eventually split away from these original two. The Sarvāstivāda, the Vātsīputriya, the Sammatiya, the Theravāda, and the Vibhajjavāda were all descendants of the Sthaviravāda lineage. It is not known from where the Pūrvaśāila sect arose. For an elaborate account of the historical development of the early Buddhist sects, consult Hirakawa Akira, *A History of Indian Buddhism*, trans. Paul Groner (University of Hawaii Press, 1990), 77-126.

⁹⁴ *Majjhima-Nikāya* 2.157, also see 1.265-266.

⁹⁵ *Papañcasūdanī Majjhimanakāyaṭṭhakathā* 2.310; reference taken from James P. McDermott, "Karma and Rebirth in Early Buddhism" in *Karma and Rebirth in Classical Indian Traditions*, ed. Wendy Doniger O'Flaherty (Berkeley: University of California Press, 1980), 170.

⁹⁶ For a translation, see Shwe Zan Aung and Rhys Davids, *Points of Controversy or Subjects of Discourse* (London: Luzac & Company, Ltd.; Pali Text Society, 1969), 212-213. The argument centers around divergent interpretations of the Sūtra phrase "completed existence within the interval". The disputed point revolves around the notion that there exists an intermediate period of a week or longer during which a being awaits a new conception. The counter-argument bases itself on the Buddha's statement that there are no more than three states of existence—desire (*kāma*), form

(*rūpa*), and the formless (*arūpa*). Since the intervening state is not included in any of these three, the conclusion must be that such a state does not exist.

⁹⁷ *Kośa* 3.10.

⁹⁸ *Kośa* 3.12; unless otherwise noted all translations from Vasubandhu's text are by Leo M. Pruden from Louis de La Vallée Poussin's French translation of the *Abhidharmakośabhāṣyam* (Berkeley, California: Asian Humanities Press, 1988).

⁹⁹ *Kośa* 3.10.

¹⁰⁰ *Kośa* 3.13.

¹⁰¹ *Kośa* 3.14.

¹⁰² *Kośa* 3.14.

¹⁰³ *Kośa* 3.4.

¹⁰⁴ *Samyuktāgama-sūtra* 37.20; *Dīgha-nikāya* 3.237.

¹⁰⁵ *Kośa* 3.12.

¹⁰⁶ *Kośa* 3.12.

¹⁰⁷ *Kośa* 3.15.

¹⁰⁸ Compare Vasubandhu's account, for example, to that found in the *Saddharma-smṛty-upasthāna-sūtra* 34.

¹⁰⁹ In Tibet, such notions became an essential component in a highly developed and extensive soteriological system involving the radical manipulation of psycho-physical energies to bring about transformative nonordinary states of consciousness (in many instances, said to be identical with the experiences of dying). See for example Lati Rinpoche and Jeffrey Hopkins, *Death, Intermediate State and Rebirth* (New York: Snow Lion Publications, 1979); Geshe Kelsang Gyatso, *Clear Light of Bliss: Mahamudra in Vajrayana Buddhism* (London: Wisdom Publications, 1982); and Giacomella Orofino, *Sacred Tibetan Teachings on Death and Liberation* (Great Britain: Prism Press, 1990).

¹¹⁰ McDermott, "Karma and Rebirth in Early Buddhism", 170.

¹¹¹ The corresponding links can be strung together in the following manner:

pitṛloka = intermediary realm

the moon = death

pitāras = the moon = Soma

Soma = moisture = fertility = *gandharva*

gandharva = *antarikṣa* = disembodied spirit = *antarābhava*

antarābhava = intermediary realm

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NATIVE EGYPTIAN RELIGION IN ITS ROMAN GUISE

DAVID FRANKFURTER

FRANÇOISE PERPILLOU-THOMAS, *Fêtes d'Égypte ptolémaïque et romaine d'après la documentation papyrologique grecque*. *Studia Hellenistica* 31. Louvain: Studia Hellenistica, 1993. Pp. xxxi + 293. BEF 1600.

Aufstieg und Niedergang der römischen Welt, Teil II: Principat, Band 18: Religion, 5. Teilband: Heidentum: die religiösen Verhältnisse in den Provinzen. Ed. Wolfgang Haase. Berlin: De Gruyter, 1995. Pp. xiv + 929. DM 726,00. ISBN 3-11-014238-4.

At least since the release of the Nag Hammadi library Roman Egypt has seemed like the land of Christianities *par excellence*, a veritable cauldron of sects and study-groups surpassing (or perhaps exemplifying) other areas of the late antique Mediterranean world. New work on nascent monasticism, desert ascetics, and all their various literatures has also come to reveal a vastly more complex Christianity than was once portrayed in histories of this region. But one would hardly know from all this data and attention that Christianity was of only idiosyncratic and sporadic appeal into the fourth century. Church historians are hard-pressed to admit that Egyptians—ordinary Egyptians—already had “a” religion that was entirely life- and community-sustaining before the late-fourth-century onslaughts of monks razed temples and interrupted millennia-old traditions in the villages.

The two books under review provide perhaps the most complete documentation yet of native Egyptian religion in its Roman guise, the *Aufstieg* volume (according to its customary format) drawing topically on different kinds of data, Perpillou-Thomas focusing exclusively on the religious implications of festivals.

I.

Following the stream of anthropology spawned by Victor Turner the festival has received much attention in recent decades within historical and religious studies, representing as it does the quintessential religious moment in the life of communities. For Egyptologists the festival's significance lies principally in its effective linking of temple and town, that rare point at which the sacred images exited the temples, borne on priests' shoulders, to bless, demarcate space, or render oracles. So Apuleius, for example, rendered the festival of the *navigium Isis* as it took place in imperial Rome (Metamorphoses 11). And in Roman times, so the papyri seem to suggest, these traditional processions were only the high points of elaborate carnivals to which acrobats, poets, dramatists, athletes, and pilgrims would come. The elaborateness of these *panēgyres* brought a sense of civic victory to a town and its burghers and even a context for celebrating communal religious solidarity that might outlast the economic decline of temple cults.

In many ways festivals *constituted* local religiosity. As Perpillou-Thomas points out, Egyptians constructed their local sense of time around the festival calendar—used them to date events and to schedule rendezvous. Festivals also represented a communally-recognized disruption of quotidian life, a “sacred time” of sorts, requiring not only special materials from one's grain or wine store but displacement of distant family members, special clothes, gift-exchange, and the influx of itinerant performers or celebrants.

It is in this context that Perpillou-Thomas's study becomes one of the most important handbooks of late Egyptian religion yet published, a systematic assessment of what Egyptians outside the temples were celebrating in the Greco-Roman period, what was involved in popular celebration, and which gods occupied their attention. Written as a dissertation under the now-deceased doyenne of the Nile cult, Danielle Bonneau, and itself published posthumously, the book is beautifully produced in the *Studia Hellenistica* series and reveals a scholar who could move easily between Egyptology and Hellenistic studies.

Some festivals deserve particular mention here for what they say about the evolution of an ancient culture under the impact of Hellenism.

One is not surprised to find an abundance of festivals of Isis (*Isia*) attested from the third century BCE through the end of the third CE. But in the Roman period, Bonneau herself had revealed, it was the celebration of the *birth* of Isis, the *Amesysia*, that achieved particular prominence as an

agricultural festival throughout Egypt. Perpillou-Thomas now assembles a larger corpus of witnesses with a discussion of the festival's implications for the evolving Egyptian calendar.

Calendar placement as well as details in the papyri make clear that some festivals of Demeter in Greco-Roman Egypt were not syncretistic versions of the Isis cult but rather evidence of Greek communities dedicated to their own imported traditions. This fact does not gainsay the abundant evidence for Demeter-Isis (-Thermouthis) syntheses throughout Egypt; and indeed, Perpillou-Thomas notes that an Egyptian Isiac tradition of festal gift-exchange seems to have been adopted by the *Dēmētria*. But these festivals do make clear that Greek gods *could* be maintained in some insulation from Egyptian religion.

A striking contrast to the preservation of a Greek Demeter is the Egyptianization of the Roman *Dioscuri*. Perpillou-Thomas advances an observation first proposed by the Egyptologist Jan Quaegebeur on the Egyptian character of the rites dedicated to the Dioscuri. The rites themselves are attested in papyri of the second and third centuries, from the Fayyum, and echo other witnesses to Dioscuri cults in the Fayyum. Quaegebeur noticed the strong resemblance of these Fayyum Dioscuri to the great Fayyum crocodile god Sobek (Souchos), among whose various local avatars was a dyad—"twins". Perpillou-Thomas's résumé of Quaegebeur here under the aegis of festivals goes far in dismantling older assumptions about which Greco-Roman cults could and could not be assimilated to Egyptian religion.

The Sobek-Dioscuri connection shows the creativity and resourcefulness of the various Sobek priesthoods in maintaining the god's (or, more correctly, gods') status in the Roman period. Of course, Fayyum culture was a singular amalgam of immigrant and indigenized Greeks and Egyptians; and papyrus archives like those of Tebtunis, Karanis, Soknopaiou Nesos, and Narmouthis reveal well-organized priesthoods often responsible for cult shrines over large areas, who were not only proficient in Greek but also *dedicated* to what may loosely be called the Hellenistic idiom—Greek in its broadest sense—to express the nature and power of Sobek. Festivals to Sobek are attested through the collapse of Fayyum culture at the end of the third century CE and even for some time thereafter under another name for the crocodile god, Kronos.

Perpillou-Thomas's compilation also brings out the importance of what are often held to be minor gods. A festival in second-century (CE) Dendara

for the god Bes, widely popular for his powers of maternal and neonatal protection, shows that Egyptians' devotion to him did not stop at the domestic threshold (as might be implied by his absence from Plutarch and yet enormous representation in "household" terracottas) but rather extended into the sphere of public ritual. Of course, Bes was quite popular in Dendara, appearing all over the Roman "birth-temple" in the Dendara temple precinct; and the Roman period sees the rise to international prominence of a Bes *oracle* at Abydos. The existence of a *Besia* thus fills out our knowledge of public and domestic piety and their relationship during this period.

The same Dendara "festival papyrus" (first discussed at length by H.C. Youtie, *Scriptiunculae* 1, pp. 514-545) reveals a festival to the god (Seth-) Typhon. Originally the recipient of devotions as a god of desert, storm, and foreigners, Seth's cults had apparently declined in the Persian and Greco-Roman periods as conquests and cultural complexity led to his demonization. It is only this festival, plus some new temples being excavated in the Dakhleh oasis, that suggest a continued *cult* of Seth. But what could it have meant to "worship" Seth in the second century CE? The oasis temples suggest his protective function; Dendara is near Ombos, where Seth had been a local protector centuries earlier. But Perpillou-Thomas neglects to give the Greek for this festival: *tois typhōniois*, "for Typhonian beings/gods/devotees." Is this a way of referring to various "Typhonic" forces annually supplicated to protect or to stay away, a kind of celebration of demons? Or is it a nasty designator for others' gods—Jews, for example, were occasionally viewed as worshippers of Typhon?

The former alternative might be most likely in light of a festival for *Nemesis* attested in second-century Herakleopolis (as a function of a temple of "Artemis"). This god, or species of supernatural force (of more masculine character in Egypt), often represented as a griffon, seems to have been carved or invoked specifically in its power over misfortune. Such apotropaic divinities achieved particular importance in the Roman period (other gods include Petbe and Tutu). *Nemesis*, however, is often invoked in the plural, "the Nemeses," an interesting parallel to "the Typhonians."

One would have hoped for Perpillou-Thomas to make some allusion to festivals not explicitly mentioned in papyri. The great temple of the hippopotamus goddess Taweret in Oxyrhynchus, active well into the fourth century, must have sponsored festivals of various kinds. When else, for example, would the "revealing gods" in an affiliated shrine have processed

forth to offer traditional oracles in the mid-third century (SB V.7634 = P. Lond. inv. 2554, ed. C.H. Roberts, *JEA* 20 [1934]: 20-23, with Krämer in P. Heid. IV.334)? A gold crown found in Roman Kysis (Kharga oasis) and meant to be worn by a civic official or benefactor in a procession from the town's Isis-Sarapis temple also implies a festival context—and a quite elaborate one at that (see Reddé, *Le trésor de Douch* [Cairo 1992]). A more synthetic book on the Egyptian festival may be a desideratum for future scholars.

But the book does extend beyond the gods themselves to features of festivals as they appear in the papyri. One chapter concerns ritual substances (oils, honey) and comestibles (festal breads, cakes, both emphasized in Plutarch's description of Egyptian festivals), including a useful discussion of the decline of the Egyptian pork-taboo under Greek influence. Another chapter describes the drama of the festival: the priests' ritual acts and the spectacles that took place, all made financially possible, she shows, by temple funds, augmented substantially by municipal funds when the festival was urban or especially spectacular. And with the increasing importance of these festal spectacles in the Roman period comes the increasing prominence of itinerant performers—actors, athletes, and poets—whose culture continued throughout the Christian period.

Through this book Perpillou-Thomas has provided an enormous service to the study of Greco-Roman Egyptian culture and ancient religious cultures in general; and given the type of work to which this book might have led we must deeply regret her untimely demise.

II.

As one has come to expect of the series, the volume of *ANRW* devoted to Egyptian religion of the Roman period exhibits the state of the art in the collection and analysis of evidence, even if not the state of the art in assessing broader implications. One might well compare this volume to the third (1924) edition of Milne's *History of Egypt Under Roman Rule* to see the vast increase in papyri, archaeology, and epigraphy available to anyone working in this area. And one of the merits of this volume is, indeed, the inclusion of other types of materials as serious documentation of Egyptian religion, in particular the so-called "magical" texts and the southern extension of Egyptian culture as revealed in Meroitic archaeology and epigraphy.

Overviews of Egyptian religion in the Roman period are provided in articles by John Whitehorne ("The Pagan Cults of Roman Oxyrhynchus," pp. 3050-3091) and László Kákosy ("Probleme der Religion im römisch-zeitlichen Ägypten," pp. 2894-3049). Where Kákosy offers a broad sweep of the documentation, from the beginnings of Roman rule through the destruction of the Isis temple of Philae under Justinian, Whitehorne scrutinizes the now voluminous papyri from the city of Oxyrhynchus, showing the religious landscape of one cultural center during the Roman period. And Oxyrhynchus is somewhat of a paradox. As replete with Hellenistic literary culture as any Mediterranean city of the period, its major temple, still in diminished operation in 462, was nevertheless devoted to one of those "demented monsters" that Roman authors like Juvenal and Lucian loved to ridicule: Taweret (Grk Thoeris), the hippopotamus goddess associated with fertility and childbirth. Whitehorne assembles all the data on this temple and its local satellites, along with every other temple or cult attested in the papyri. The article is helpfully systematic, with an alphabetical accounting of gods revered and festivals sponsored.

Kákosy's important overview of the Roman period stresses the emperors' differing attitudes toward Egypt and Egyptian religion and the resulting fortunes of the temples. But it is easier to show fortune than misfortune as a result of imperial sentiments; and Kákosy's stress on anti-"pagan" edicts following the accession of Constantine seems to assume their effectiveness, against much new thought on the nature and enforcement of the Theodosian code and despite Kákosy's own quite accurate accounting of Egyptian religion's persistence during this period. Considering the Egyptomania of emperors like Septimius Severus, Kákosy's assertion of a steady decline in Egyptian religion following the age of Caracalla is confusing: would this have been due to subtle spiritual causes, as some earlier historians have argued, or economic causes, as Roger Bagnall has proposed more recently (*Ktema* 13 [1988]: 285-296)? Nevertheless, the assemblage of archaeological, epigraphical, papyrological, historiographical, and hagiographical (Greek and Coptic) sources in this section makes it the best systematic history of Egyptian religion of the Roman period to date—the work of a master.

Kákosy supplements this historical section with an assessment of the gods whose cults remained steady, declined, or grew in favor: Amun and another Theban god, Montu, decline with the decreasing influence of the Theban

priesthoods; popular cults of healing and revelation, like Amenhotep and Bes, or of protection, like Tutu and Petbe, rise upon religious needs that were independent of imperial sentiment and sanction. Additional sections describe the afterlife mythology of the period and the proliferation of “magical” texts in Roman Egypt, both subjects covered in more detail and, in the case of magic, with more contemporary sensibilities in other articles in this volume.

Kákosy’s discussion of abiding religion in Egypt shows once again the special vitality of cults in the region of the first cataract. Not only the Isis temple of Philae, a pilgrimage goal for the nomadic Blemmyes, but also the Mandulis temple of Kalabsha, itself built for the mutual devotions of Roman and Blemmye and in the fifth century a prize capture for the Nubian king Silko, suggest that the tribes and kingdoms south of “Egypt” represented a continuation of Egyptian culture in many respects, even maintaining aspects of that culture when the Egyptian religious infrastructure was in financial tailspin. Thus Inge Hofmann’s discussion of Meroitic religion (“Die meroitische Religion. Staatskult und Volksfrömmigkeit,” pp. 2801-2868; organized according to the major gods, with sections on temple rites, popular piety, and early Meroitic Christianity, plus a useful collection of photos) and Janice Yellin’s “Meroitic Funerary Religion” (pp. 2869-2892; according to the evidence of some excavated necropolises) go far in expanding the scope of what we think of as Egyptian religious culture of the Roman period.

One of the more interesting aspects of Egyptian religious culture from the perspective of the Roman historian is its utter absorption and indigenization of the emperor cult. Three separate (and somewhat repetitive) studies cover this phenomenon, by Eleanor Huzar (“Emperor Worship in Julio-Claudian Egypt,” pp. 3092-3143), Heinz Heinen (“Vorstufen und Anfänge des Herrscherkultes im römischen Ägypten,” pp. 3144-3180), and Jean-Claude Grenier (“L’Empereur et le Pharaon,” pp. 3181-3194). Huzar and Heinen focus upon the very beginnings of emperor-deification and worship in the context of imperial politics, while Grenier discusses the Egyptian context of divinizing rulers. All agree: a) that Egypt—priests and peasants—had long viewed the office of Pharaoh in a divine context; b) that the Ptolemaic period in particular saw an expansion of the conception of Pharaoh to include “foreigners” and the circulation of propaganda (like the *Alexander Romance*) to justify this expansion; and c) that therefore from the beginning of the Roman period emperors were presented in ritual and iconography as pharaohs, with their full approval. This process of “pharaonization” is most

succinctly described from an Egyptological perspective in Grenier's article, perhaps one of the most important discussion of the phenomenon yet. But Huzar and Heinen also address the contemporaneous need of the emperors to curry the ritual allegiance of those "Greco-Egyptian" constituencies in the cities, whose irascible tendencies (as shown in Alexandrian revolts and the circulation of "Acts of Pagan Martyrs") could be quite destabilizing.

A walk through the Egyptian wing of any major museum gives one a profound sense of the technical decline in mortuary art from the New Kingdom through the Roman period: mummy wrappings, painted mythological scenes, hieroglyphs all get markedly cruder. At the same time one finds a growing custom of covering the mummies' heads with *portraits* of the deceased, replacing the more ancient tradition of sculpting a head-cover according to the iconography of the mortuary god Osiris. Might these changes signify a decline in the ancient mortuary beliefs, a synthesis with Hellenistic ideas of the soul, a greater personalization of the deceased that brought people away from Egyptian tradition?

Two articles on the status of funerary custom respond with an emphatic negative. Lorelei Corcoran ("Evidence for the Survival of Pharaonic Religion in Roman Egypt: The Portrait Mummy," pp. 3316-3332) affirms the continuity of classical mortuary traditions in a sampling of portrait mummies from the first and second centuries CE. Her sample, however, is so limited historically that one may still wonder about the fate of such traditions after the second century. It is then with considerable gratitude that we turn to Françoise Dunand's one-hundred-page review of funerary practices and beliefs in the Roman period ("Pratiques et croyances funéraires en Égypte romaine," pp. 3216-3315), which describes not only the continuity of tradition in mummification (a section prepared in collaboration with Roger Lichtenberg) but also what can be gleaned culturally from the many necropolis excavations carried out throughout Egypt up through the late 1980's. Dunand devotes special attention to excavations in the western oases, whose temples and villages seem to have retained a much more thriving traditional religious culture through the fourth century than those in the Nile valley. Here one finds such archaic practices as covering the corpse's head with gold; and one finds no distinction in mortuary procedure between Christians—whose presence in the oases is attested from the third century on—and everyone else.

Dunand might have carried this last point further: it is not that “pagans” and Christians enjoyed a “coexistence pacifique” but rather that Egyptians *in general* depended on a complex of rites, techniques, and mythological idioms to negotiate this crucial rite of passage, death; and some of these Egyptians *also* happened to claim an allegiance of some sort to Christ, an allegiance that had little bearing on their funeral expectations. It is thus also a pity that Dunand did not follow the data at least briefly into the Coptic period, where mummification and a cult of the dead continued, even in monasteries (see, e.g., Th. Baumeister, *Martyr Invictus* [Munster 1972] 51-86). Mortuary practice is a subtle thing in most cultures, and people rarely view it as conflicting with whatever “great tradition” happens to be dominant.

Danielle Bonneau’s posthumously published article on the cult of the Nile in Roman Egypt (“La divinité du Nil sous le principat en Égypte,” pp. 3195-3215), largely a digest of her still-peerless *La crue du Nil* (Paris 1964), also stops with the third century, a particularly unfortunate limitation since *La crue du Nil* documented the Nile cult’s continuity—in diverse forms—almost to the Arab conquest. Missing in this résumé, for example, is her collection of ancient associations between the great abbot Shenoute of Atripe and ritual control of the Nile surge. And the documentation itself has expanded since the book: inscriptions at the temple of Akôris in Upper Egypt show ritual observance around the Nile surge still continuing in the later fourth century (see E. Bernand, *Inscriptions grecques et latines d’Akôris*, Cairo 1988). A pious hymn to the Nile was of sufficiently elegant style to serve as a school exercise in the late third/early fourth century (R. Cribiore in *ZPE* 106 [1995]: 97-106).

Three articles that do carry the subject of continuing tradition past the third century are those on “magical” texts by Robert Ritner on Demotic Egyptian materials (“Egyptian Magical Practice under the Roman Empire: the Demotic Spells and their Religious Context,” pp. 3333-3379), William Brashear on Greek materials (“The Greek Magical Papyri: an Introduction and Survey,” pp. 3380-3684), and Sergio Pernigotti on Coptic texts (“La magia copta: i testi,” pp. 3685-3730). Insofar as these kinds of texts have historically been used to characterize an occult or selfish piety endemic to late antiquity or else a timeless repository of magical practice as used throughout the Mediterranean world, the editors of *ANRW* are to be congratulated for placing the texts in their rightful context, as documents of

Egyptian religion(s) of the Roman period. The three articles take up over a third of the volume and, in the case of Ritner and Brashear, mean to convey the state of the art in the study of “magical” texts.

Ritner assembles a corpus of “Demotic Magical Papyri” out of widely scattered text-publications, usually of grimoires, formularies, with summaries of the texts’ contents, critical assessments of their editions, and the occasional corrective translation. In a second section, a digest of his *Mechanics of Ancient Egyptian Magical Practice* (Chicago 1993), he outlines traditional Egyptian concepts of an autonomous magical force and argues that the idiosyncrasies of Roman attitudes toward the native religions of the empire led to the rendering of that force, intrinsic to priestly ritual, as negative and dangerous. His proposition lacks the historical nuances on imperial attitudes that Kákosy provides, and his thesis depends to a large degree on one papyrus, a late second-century Roman official’s decree against Egyptian oracles (P. Yale 299), as the critical turning-point in attitudes toward native ritual. The decree’s actual effectiveness was probably so limited as not to warrant the historical importance Ritner gives to it.

Ritner’s most important point, however, is the attribution of the Demotic magical corpus to the Egyptian priesthood rather than “magicians,” a conclusion based both on the language (Demotic Egyptian—illegible to ordinary Greeks and Egyptians) and the narrative or ritual details in the spells. Many of these texts, indeed, came together as large ritual libraries, of which the major library, the so-called Anastasi hoard, consisted of both Greek and Egyptian texts of the third and fourth centuries, all deriving from the priestly city of Thebes.

Ritner then says with the force of an Egyptologist and Demotic linguist what Garth Fowden had proposed in his *Egyptian Hermes* (Cambridge 1986), linking the magical and Hermetic libraries as genres of priestly literature. And so, where scholars used to conjure up images of Arthurian wizards from the extravagancies of the individual spells, one now gets a clearer notion of the collectors of magical texts: traditional Egyptian “lector” priests, long revered popularly as wielders of ritual power, now assembling their lore in a time of declining temples. This is precisely the image of the Egyptian priest that Greco-Roman authors of the time were promulgating. (Another Demoticist, W.J. Tait, has now responded to some of these propositions in the conference volume *Hundred-Gated Thebes*, ed. Vleeming [Leiden 1995].)

Given this important shift in cultural models for contextualizing magical texts it is somewhat disheartening to find William Brashear still reverting to terms like “magician” or “sorcerer” to describe the compilers and consultants of the texts in his 300-page essay-cum-bibliography on the Greek magical texts. Such terms prejudice the relationship of the ritual specialist and traditional institutions, placing him (or, less probably, her) in a position separate from and even opposed to the temple cult when he may well have been a priest (as later Coptic ritual specialists were most likely Christian priests and monks).

And yet the service Brashear has here rendered the study of these widely scattered and usually impenetrable texts is incalculable. First collected by Preisendanz in the now-canonical *Papyri graecae magicae* 1-2 (Stuttgart 1973-74), expanded by Daniel and Maltomini (*Supplementum magicum* 1-2 [Cologne 1990-92]) and republished in translation under Betz (*Greek Magical Papyri in Translation, including the Demotic Spells* [Chicago 1986]), the corpus of Greek magical texts and the scholarship devoted to them continue to grow. Brashear’s bibliographies and cross-references encompass the newest texts and their publications, the finds’ Egyptian provenances, a chronology of the texts, a directory of spell functions, and an immense collection of secondary scholarship through 1994. A leading papyrologist himself, Brashear also includes seventy pages of “corrections, translations, and discussions” of published magical texts.

Brashear’s introductory essay is particularly attentive to the history of scholarship on magical texts. He addresses the vital relationship between grimoires or formularies (the typical genre in Preisendanz’s *PGM*) and amulets and other materials prepared for ritual purposes. An extensive discussion of “foreign elements” disposes of the notion that the magical texts constituted a syncretistic mishmash, instead (like Ritner) upholding the essential Egyptianess of the spells while admitting some careful appropriation of Jewish and Greek traditions. Brashear is also in line with current scholarship on these materials in giving special importance to the literary construction of the spells: the seemingly portentous nonsense words (*voces magicae*) and doodles (*charaktēres*), the invocations of myth (*historiolae*), and overlapping ritual genres like the oracle, the horoscope, and the curse-tablet. Even if these studies do not provide any sort of master key to the intentions or social context of the ancient ritual expert they do lay out with particular clarity a type of text that thrived on the border between the literary and the oral.

Pernigotti's brief selection of Coptic magical texts (in Italian translation, with introduction and bibliography) then appears like an afterthought to the volume. Intended perhaps just to whet one's appetite to delve into the sources oneself, such an abbreviated study of a corpus whose cultural and religious significance certainly rivals that of the Demotic and Greek materials seems rather to reflect the editors' unfortunate tendency to disregard Coptic materials.

But Coptic itself developed among the Egyptian priesthoods of the Roman period, expressing an endeavor very much distinctive of the Hellenistic and Roman periods: to preserve native *parole* within the increasingly popular *langue* of Greek (in Coptic's case, Egyptian grammar within the Greek alphabet). The subsequent cultivation of Coptic in Gnostic conventicles and Pachomian monasteries hardly takes one beyond the cultural scope of the Roman period that *ANRW* II (Principat) seeks to address. The Coptic magical texts pose important questions about ritual expertise and the uses of writing in the fourth and later centuries: Do these texts represent an underground literature of freelance experts or a monastic sideline? How could ancient Egyptian myths be recalled in Coptic texts of the fifth or sixth century? Who would have collected and owned such a thing as the trilingual—Greek, Coptic, and Aramaic—spell collection now in Milan (ed. Bresciani et al., *SCO* 29 [1979]), only the Coptic portion of which Pernigotti includes in his selection (#9)? The reader may decide at this point to go to another recent collection of Coptic spells, Marvin Meyer and Richard Smith's *Ancient Christian Magic: Coptic Texts of Ritual Power* (San Francisco 1994), which offers many more texts and much fuller commentary.

In few of these areas of continuity could Egypt be said to be representative of the wider empire. In its mortuary traditions, in its iconography of the emperors, in the centrality of the Nile and its cycles for religious life, and in the authority of its priesthoods Egypt seems to have been unique in the ancient world. But by the same token Egypt has attracted a surfeit of anachronistic conclusions about cultural character, persistence, and conversion, particularly in relation to the rise of Christianity. In their sophisticated massing of data on *continuing* Egyptian religion these two volumes—all but unavailable to the general buyer and so destined for library collections—should at least make it harder in the future for historians to write the kind of assessment that Sir Harold Bell could in the fifties:

Later [Egyptian] paganism at its best has a singular attractiveness. It died with a kind of mellow splendour, like a beautiful sunset, but dying it was. It had been conquered by the truer and finer religion, for which it had itself prepared the way, a religion which at last brought the solution of problems which paganism had posed but to which it had found no answer. [Bell, *Cults and Creeds in Graeco-Roman Egypt* [Liverpool 1953], 105.]

Department of History
University of New Hampshire
Durham, NH 03824-3586, USA

DAVID FRANKFURTER

BOOK REVIEWS

STEPHEN D. O'LEARY, *Arguing the Apocalypse. A Theory of Millennial Rhetoric*—New York/Oxford: Oxford University Press 1994 (314 pages) ISBN 0-19-508045-9.

As the end of the millennium draws near, apocalypticism attracts numerable scholars of various disciplines. The study of an American scholar of communication, Stephen O'Leary, is particularly worthwhile for historians of religion. Instead of explaining apocalypticism by sociological or psychological theories ("mechanic theories" p. 9) he has studied it as part of a public discourse and analyzed its rhetorical strategies. Rhetoric means the public, persuasive, constitutive and social dimension of speech. Apocalypse is represented by such kind of speech and can be studied accordingly. By referring to the experience of evil and by propagating "Time must have a stop" (p. 31) apocalypse attempts to solve the problem of theodicy. Chapter 3 *From Eschatology to Apocalypse: Dramatic and Argumentative Form in the Discourse of Prophetic Interpretation* contains the main argument of the book. Apocalypse is based on eschatological doctrines. But in contrast to eschatology it expects an imminent end. Where the question of chronology is moot, audiences move from eschatology to apocalypse (p. 61). The narration about the end of the world resembles literary forms of drama: tragedy (unhappy ending) with elements of comedy (happy ending). In response to the questions of the audience: "How do you know?" and "When?" the various forms of apocalyptic discourse are shaped.

O'Leary illustrates the advantage of his approach by two American cases: the Millerite movement in the 19th century AD (chapters 4 and 5) and the bestselling book of Hal Lindsey *The Late Great Planet Earth* (chapter 6). In both cases apocalypse has argued for a pessimistic attitude towards the future. Failure of social reform in 19th century USA and life in the shadow of nuclear threat has prepared the ground for the sensitivity of a wider audience regarding an apocalyptic view of history.

The author presents the thesis of his book in a lucid and convincing manner. It is a major contribution to a comparative study of apocalypse.

Universität Bremen
Fachbereich 9
Postfach 330440
D-28334 Bremen

HANS G. KIPPENBERG

ANTOINE FAIVRE, *The Eternal Hermes: From Greek God to Alchemical Magus*, trans. J. Godwin. Grand Rapids, MI: Phanes 1995 (210 pp.) ISBN 0-933999-52-6 (pbk.) \$18.95.

Antoine Faivre, Director of Studies at the Ecole Pratique des Hautes Etudes (Section des Sciences Religieuses, Sorbonne), proposes to reestablish a "Hermetic *ratio*" as an alternative to the dominant "Promethean" (pp. 14, 68, 70). By this, he means "a planetary dialogue . . . [that] deprovincializ[es] ethnology (Mircea Eliade) and show[s] what is common and irreducible in the great traditions of Gnosis and the Sacred (Seyyed Hussein Nasr . . .)," making thereby "comparative mythology a spiritual exercise that leads to a form of knowledge (Joseph Campbell)" (pp. 68-69). In this collection of six previously published essays, Faivre charts, towards this goal, a brief history of "Hermes in the Western imagination" from antiquity to modernity (chaps. 1 and 2), explores the confluence of the god Hermes with the euhemerized Hermes Trismegistus (chap. 3), reflects on the "urban" Hermes (chap. 4), traces the Hermes of Western iconography (chap. 5), and concludes with a rich bibliographical essay on Hermetica and Hermetic allusions.

Common to all of these essays is attention to the sometimes neglected influence of Hermetic traditions upon Western culture and, especially, its esoteric rivulets: "One should, and can," Faivre writes, "discover the name of Hermes-Mercury through every epoch . . ." (p. 50). This task lends an ahistorical cast to Faivre's work throughout: "... at the same time [one should, and can, search] for his active presence in places where his name and explicit attributes are wanting" (p. 50; see also pp. 60, 65, 76, 104-105, 117)—a cast familiar to the work of those admired by Faivre (and cited above). Nevertheless, the historian of religion will find assembled in this brief volume a useful overview of mythic information about, artistic

representations of, and historical references to one of the more fascinating, if admittedly elusive, figures of Western myth.

The University of Vermont
Department of Religion
481 Main Street
Burlington, Vermont 05405, USA

LUTHER H. MARTIN

HANANYA GOODMAN (Ed.), *Between Jerusalem and Benares: Studies in Judaism and Hinduism*. Albany: State University of New York Press (334 p.) ISBN 0-7914-1715-8 \$18.95 (cloth).

The title of this welcome book is derived from oft-quoted remarks by the late Rabbi Abraham Joshua Heschel and by sociologist of religion Peter Berger.

Heschel's then-radical comment, entirely supported by this volume, was on the historical arbitrariness of Judaism being viewed as a "western" religion. It might have been otherwise. "[O]ur intellectual position situated as it is between Athens and Jerusalem is not an ultimate one. Providence may some day create a situation which would place us between the river Jordan and the river Ganges ..."

Berger first coined the phrase adopted by this volume in his 1979 essay, "Between Jerusalem and Benares: The Coming Contestation of Religions." However, Berger's point is the opposite of Heschel's; he assumes Hindu and Judaic worldviews to be "antithetical," and goes on to argue for open-minded interreligious dialogue.

The editor of this volume, Hananya Goodman is to be applauded for two things. First, he brought together these twelve scholars from America, Israel, Britain and France around a cogent central theme: that the situation about which Rabbi Heschel speculated has in fact transpired, that there are and have been cultural resonances and historical interactions between Jerusalem and Benares. The contributors to this volume are among the leaders in this emerging field of Hindu-Judaic Studies; in fact, this volume begins to define that very field.

Second, Goodman's introductory essay is outstanding, one of the best contributions in the book. It is a survey of the literature, from La Crequiene's 1704 *The Agreement of the Customs of the East-Indians with those of the Jews, and other Ancient People* up to Rodger Kamenetz's 1994 best-seller, *The Jew in the Lotus*. Goodman's endnotes alone are worth the price of the volume.

David Shulman provides a brief preface to whet one's appetite, and Wendy Doniger offers a second introductory essay which speculates about how Hindu myths have become meaningful in the lives of non-religious Jewish scholars.

The remaining essays are divided into two parts: the first traces historical encounters between Indic and Judaic civilizations, and the second examines cultural resonances between Hinduisms and Judaism. Both sections make valuable contributions but, in this reviewer's estimation, the first section is the more successful.

Chaim Rabin of Hebrew University opens the historical section with a study of loan-words in Biblical Hebrew from Indian languages, especially as these words carry material and cultural meanings. This is a scrupulously-researched, important essay which dates Hebrew-Sanskrit interactions from the tenth century BCE.

David Flusser, also of Hebrew University, speculates about Indian origins of a Midrash about how the Patriarch Abraham "discovered" monotheism. Flusser's contention—that the second-century BCE Midrash is a re-telling of a sixth-century BCE Upanishad as mediated by Persian Zoroastrian culture—is intriguing if not entirely compelling.

The Sorbonne's Francis Schmidt discusses how Hellenized Jews viewed India, and how their perceptions differed from the Greek historians whom they emulated. This intriguing essay traces Greek perceptions of Hindus, whom they considered akin to the "Jewish Brahmins" on the eastern fringe of their empire; Aristotle was of the opinion that the Jews are descended from India because of their philosophic acumen. The essay closely examines Philo of Alexandria and Titus Flavius Josephus, concluding that while Hellenized Jewish writers of late antiquity relied heavily on Greek authorities, nevertheless they encountered India in terms of their own struggle to maintain an identity in the face of an overwhelming neighbor, namely Greece and Greek culture itself.

Dennis Hudson of Smith College provides a thoroughly delightful study of a nineteenth-century Hindu from Sri Lanka, Arumuga Navalar's encounter with Judaism as he learned about it from Methodist missionaries. For him, the so-called "Old Testament" was an inspiration for his struggles against Protestant missionaries. Navalar found similarities between Temple Judaism and his own Shaiva faith—including the priestly/sacrificial form of worship, concerns about purity/pollution, dietary matters, ritual prostration, etc. He used what little he knew about Judaism as a weapon against Protestant missionaries, whom he chided for their nonobservance of the commandments transmitted through Moses, and then went on to criticize the Pauline disjunction between faith and meritorious acts. This is one of the freshest essays in the volume.

Finally, Hebrew University sociologist Shalva Weil continues the discussion of historical encounters between Hinduisms and Judaism as embodied in the community of Indian Jews of the Konkan Coast known as the Bene Israel. The Bene Israel were "lost" Jews who maintained rudimentary Judaic practices overlaid with Hindu accretions. Her essay describes the Bene Israel's unique observance of Yom Kippur. As the Bene Israel have entered the Judaic mainstream, many of their Hinduized practices have dropped away, but in Israel some are preserved as a way of maintaining their unique identity—no longer as practitioners of a foreign religion in India, but as an ethnic group within Israel.

The second section of the book explores "cultural resonances" between Hinduisms and Judaism, and begins with University of California at Santa Barbara scholar Barbara Holdrege's study of how Veda and Torah are understood in brahmanical and rabbinic traditions. More than books, both are understood as blueprints for creation, as divine speech (*Shabda/Dabar*), and as embodied in the People. Holdrege's essay is rich, thoughtful and suggestive, but its length—eighty pages—might daunt all but the dedicated reader.

Bernard Jackson, a law professor at the University of Kent, examines Judaic and Hindu sacred law—*Halakha* and *Dharmashastra*—and how these ideal systems were related to their enforcement. Jackson's essay is also suggestive, but as I began to read I felt I was overhearing a conversation begun some time before my listening. The lack of a background in philosophy of law impaired my reading, but with help from a philosophy colleague I was able to get on track, and from there on the reading was a pleasure.

The next two essays are intended to be read in tandem. Elizabeth Chaliier-Visuvalingam and Charles Mopsik, both of Paris, explore the themes of Unity and Union, the first in Hindu Tantrism and the latter in Kabbalah. While each essay is tradition-specific, Mopsik concludes his essay with reflections based on his reading of Chaliier-Visuvalingam. Both essays are erudite and intriguing, but whether this attempt at academic dialogue is ultimately successful is left to the reader.

The volume concludes on a very strong note. Margaret Chatterjee, formerly of Delhi University and now at Oxford, compares two modern thinkers, Rabbi Abraham Isaac Kook, the Chief Rabbi at Jerusalem, and Sri Aurobindo, the seminal evolutionary Hindu theologian. They were contemporaries; both were concerned about the relation of mysticism to society; both wrote with one eye toward their own faith communities while the other gazed beyond; both relied heavily upon the archetype of light; and both understood spirituality as evolutionary.

Indeed, Goodman is to be commended for bringing us these twelve essays. They are of a high caliber and the book is pioneering. But precisely in their selection a serious flaw is revealed. All of the authors are western; there is no Hindu voice to be heard in the inherently "dialogical" enterprise of Hindu-Jewish studies (except for the one heard through Hudson's essay). Despite my celebrating its publication and relishing its contents, the book is not really *between* Jerusalem and Benares, so much as Benares *as seen from* Jerusalem.

Department of Religious Studies
Florida International University
Miami, FL 33199, USA

NATHAN KATZ

Rules and Regulations of Brahmanical Asceticism. Yatidharmasamuccaya of Yādava Prakāśa. Edited and translated by PATRICK OLIVELLE (SUNY Series in Religion)—Albany, NY: State University of New York Press 1995 (458 p.) ISBN 0-7914-2283-6 (hardcover) US\$ 57.50; ISBN 0-7914-2284-4 (pbk.) US\$ 18.95.

Patrick Olivelle has more than anyone else the last twenty years contributed to our knowledge of the institution of Hindu asceticism. His latest book contains a translation of the *Yatidharmasamuccaya* ("Collection

of Ascetic Laws”) of Yādava Prakāśa (pp. 27-180), a critical edition of the Sanskrit text (pp. 181-385) and an introduction (pp. 1-26). *Yatidharmasamuccaya* belongs to a subclass of medieval Indian literature on law which dealt with the *dharma* of ascetics (*yatidharma*). It is the earliest available of the *yatidharma* texts and became especially authoritative for the Śrī-Vaiṣṇava tradition. The *Yatidharmasamuccaya* has eleven chapters and the chapter headings give a good indication of the text’s content: 1. The Rule Sanctioning Itinerant Asceticism; 2. Age of Eligibility of a Candidate for Itinerant Asceticism; 3. Examination of Insignia; 4. The Procedure of Renunciation; 5. Principal Activities; 6. Daily Practices; 7. Proper Conduct; 8. Rules of Insignia and Related Penances; 9. Wandering and Rain Residence; 10. Penances, and 11. The Procedure of an Ascetic’s Funeral. The text provides a fascinating peep into the world of medieval Brahmanical asceticism. One of the many interesting points Olivelle takes up in the introduction, and which is plentifully illustrated in the text itself, is how *Yatidharmasamuccaya* exemplifies the “process of domesticating asceticism” (p. 17). He argues that while asceticism was in its origin and early history in many ways opposed to the central vedic ideas and rituals, it became integrated into the normal ritual life so much so that the ascetic was considered more like an exalted type of vedic householder than someone who contradicted the vedic value system. An interesting illustration of this is the fact that the ascetic as presented in *Yatidharmasamuccaya* is greatly concerned with rituals and behavior aimed at preserving purity. This obsession with purity he has in common with the ordinary Brahmanical community and Olivelle notes that “the ascetic is not an outsider to that community but a significant and integral part of it” (pp. 25-26). This contrasts sharply with other models of understanding of Hindu asceticism and reminds us that the understanding of Hinduism is not of a synchronic structure but of phenomena contextualized in history. *Yatidharmasamuccaya* describes in great detail the daily life of the ascetic from the normative point of view. It gives detailed knowledge of the model for ascetic behavior and, besides its intrinsic and historical interest, could also be a comparative tool for the investigation of the practices of contemporary Hindu ascetics.

Department of the History of Religions
University of Bergen
Sydnesplass 9
N-5007 Bergen, Norway

KNUT A. JACOBSEN

VALERIE HANSEN, *Negotiating Daily Life in Traditional China: How Ordinary People Used Contracts*. New Haven and London: Yale University Press 1995 (pp. XIV + 285) ISBN 0-300-06063.

One of the founding fathers of 19th cent. anthropology, himself essentially interested in legal history, described cultural evolution as moving from "status to contract." Whether Sir Henry Maine was right or not is not our concern here. At any rate, the institution of contracts, in literate societies, as an instrument for "negotiating daily life" is very ancient and it served not only for regulating transactions between partners but also as an "insurance" against possible subsequent litigation and court proceedings. Valerie Hansen's study is a major and often exciting contribution to Chinese social history which will be relished also by Silk Road students since many of her earliest examples come from Turfan and Dunhuang. (The Yamamoto-Ikeda edition of these documents continues to prove its almost limitless usefulness). What renders the book of such great interest also to historians of religion is the fact that in about a third of the documents cited people are contracting not only with neighbours, landlords, tenants, traders etc. but also with the gods. For if anything should go wrong (e.g., doubts should arise regarding the legal title to a grave-site) the issue would probably be dealt with in the courts of the underworld where possession of the tomb-contract should enable the deceased to justify his claims. There is also the interesting question whether and to what extent earthly authorities could intervene in matters that were properly under the jurisdiction of the underworld. (The Daoists thought this was possible). In about a third of the 200 documents used one of the contracting partners is not a neighbour but a denizen of another world. Pp. 239-241 list the name of gods appearing as sellers in tomb-contracts. Since in the underworld everything is "the other way round," it should not come as a surprise that many tomb inscriptions are in "mirror script;" cf. also the 16th cent. mirror-image contract in duplicate, one copy for the deceased couple and one for the gods, reproduced pp. 186-187. Readers interested in the underworld more than in legal and social history may also want to see Hansen's shorter "Why Bury Contracts in Tombs" in *Cahiers d'Extrême-Asie* 8 (1995): 59-66.

Hebrew University
Department of Comparative Religion
Mount Scopus
Jerusalem 91905, Israel

R.J. ZWI WERBLOWSKY

FRANZ OVERBECK *Werke und Nachlaß*. Band 1: *Schriften bis 1873*. In Zusammenarbeit mit Marianne Stauffacher-Schaub hg. von Ekkehard W. Stegemann und Niklaus Peter—Stuttgart, Weimar: Verlag J.B. Metzler 1994 (X + 337 p.), ISBN 3-476-00961-9 (cloth) DM 98.00.

FRANZ OVERBECK *Werke und Nachlaß*. Band 2: *Schriften bis 1880*. In Zusammenarbeit mit Marianne Stauffacher-Schaub hg. von Ekkehard W. Stegemann und Rudolf Brändle—Stuttgart, Weimar: Verlag J.B. Metzler 1994 (IX + 577 p.), ISBN 3-476-00963-7 (cloth) DM 128.00.

Franz Overbeck (1837-1905) taught New Testament Studies and Old Ecclesiastical History at the University of Basel from 1870 to 1897. He has been in the shadow of his famous friend Friedrich Nietzsche until today. Both friends had an immediate intellectual interchange and a close spiritual affinity. In 1873 they published books at the same company, Nietzsche his first "Unzeitgemäße Betrachtung" and Overbeck his book: "Über die Christlichkeit unserer heutigen Theologie." Both settled the score with boring members of the educated class and dull cultural theologians. Overbeck kept faith with Nietzsche when he went insane and fought against the heavy distortions of Nietzsche's unpublished works by Elisabeth Förster-Nietzsche.

Today Overbeck has been discovered as an independent diagnostician of modern culture. A commission led by Ekkehard W. Stegemann is editing Overbeck's "Works and unpublished works" in 9 volumes. The first two volumes prove the outsider of the 19th century protestant theology to be a first rate historian.

Volume 1 contains the hitherto unpublished lecture "Ueber die Anfänge des Mönchthums" from 1867, an exegetic study on the formula by Paul "in the likeness of sinful flesh" (Romans 8, 3) published in 1869, his lecture after taking up his office at Basel "Ueber Entstehung und Recht einer rein historischen Betrachtung der Neutestamentlichen Schriften in der Theologie" from 1871, a study "Ueber das Verhältniß Justins des Märtyrers zur Apostelgeschichte," printed in 1872 and the first publication of "Christlichkeit." The remarks and modifications of the second publication from 1903 are presented.

Volume 2 begins with the "Studien zur Geschichte der alten Kirche" from 1875 followed by the discourses "Ueber die Auffassung des Streits des Paulus mit Petrus in Antiochien (Gal. 2, 11ff.) bei den Kirchenvätern" from 1877 and "Aus dem Briefwechsel des Augustin mit Hieronymus." This

volume ends with “Zwei Abhandlungen” and “Zur Geschichte des Kanons.” In these discourses Overbeck explains his famous hypothesis that it is “the nature of all canonization to make its objects unrecognizable.”

Overbeck is a “historian of discontinuity” (N. Peter). He shows with his analysis of the literary forms that there is a principal difference between early Christian “original literature” and the texts of the old church, in which the withdrawn “early Christianity” is secularized. In his opinion the “liberal theology” and the contemporary cultural protestantism was a falsification of the true and original Christianity. He came out against Adolf von Harnack in a very aggressive way, because in his view von Harnack represented, what he despised, namely the closeness of mind and power, the cultural synthesis of faith and knowledge and the renewal of a Christian tradition to legitimate the German Empire. The “early Christianity” or the faith of the “primeval times” were for Overbeck the only true faith. Admittedly no way led back to these “primeval times.” Therefore the professor of theology announced that it was not possible to be a Christian any longer and confessed in public his unbelief. However, he did not lose his office in Basel. This criticism of the contemporary Christianity was strongly connected with a fascinating analysis of modern semireligious ideologies, for example nationalism, liberal belief and admiration of art and culture.

The editors have given excellent comments on Overbeck’s texts. Each volume contains an index of the papers published by himself and published after his death, and an index of the quoted literature. In addition two lists of names are given, one listing the persons named by Overbeck and one listing the persons named in the introductions.

The editors give detailed information about the genesis of the texts and the context of the research. The explanatory remarks deserve praise. Allusions and quotations are proved, historical relations are explained and short biographical notes introduce the persons mentioned by Overbeck.

The first two volumes show that Nietzsche’s friend not only is a classic critic of theology, but an important diagnostician of modernity. In his critique of culture he formulated main ideas, which are still central today. His sceptical polemics against bourgeoisie cultural Christianity reflect also his suffering as an intellectual, living in a civilisation, (which was in his view) characterized by a loss of individuality, commercialisation, decline of education and a loss of real freedom. Therefore Overbeck tried to gain freedom in propagating a radical individualism. What meant that he had to

fend for himself without a religious tie: "The strict individualist must be able to do without God."

Universität der Bundeswehr Hamburg
Evangelische Theologie und Sozialethik
Postfach 70 08 22
D-22008 Hamburg

FRIEDRICH WILHELM GRAF

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Report

NEWS FROM THE INTERNATIONAL ASSOCIATION FOR THE HISTORY OF RELIGIONS (IAHR)

During the XVIIth Congress of the IAHR held in Mexico City in August 1995, a new Executive Committee was elected by the International Committee. The results were as follows: President: Prof. Michael Pye (Marburg); Vice-Presidents: Prof. Peter Antes (Hannover) and Dr. Yolotl Gonzalez Torres (Mexico City); General Secretary: Prof. Armin W. Geertz (Aarhus); Deputy General Secretary: Prof. Rosalind Hackett (Knoxville); Treasurer: Prof. Donald Wiebe (Toronto); Prof. Michio Araki (Tsubuka City); Prof. Giulia Gasparro (Messina); Dr. Gerrie ter Haar (Utrecht); Dr. Helena Helve (Helsinki); Prof. Jacob Olupona (Davis); and Dr. A.I. Tayob (Cape Town).

The congress in Mexico City was significant in many ways. In the first place it gathered more than a thousand participants from all over the world thus being one of the most successful IAHR congresses ever held. Secondly, it was held for the first time in a Latin American country, and it succeeded in bringing many participants from a variety of Latin American countries. The establishment of the Cuban Association for instance was a direct result of this congress. Thirdly, the congress organisation consisting of a combination of plenum lectures and thematic symposia was shown to be more effective and more interesting than the structure of former congresses based on geography and/or religions. Fourthly, the theme of the congress was "Religion and Society", a theme that reconfirmed the Warsaw declaration of 1989 whereby the delegates at a conference on the relation between the history of religions and the social sciences envisioned a broader definition of the term "history" and a closer cooperation with the social sciences. Finally, there were a number of debates concerning the structure and business routines of the organisation itself which helped the delegates to focus on important issues that an international conglomeration of societies such as ours necessarily en-

tails. An important aspect in that connection is that the IAHR has maintained close ties between organisational and scientific issues so that each can strengthen the other.

One of the most important organisational matters acted upon during the General Assembly was the vote concerning whether the IAHR should change its name. The result was an overwhelming majority to keep the name as it is. As originally agreed upon, the result of the vote on this matter in no way affects the mainstays of the discipline nor the impetus of recent developments in theory and methodology. It is my hope that the issue of the name can now be put behind us so that we can get on with our work in the admirable tradition of methodological pluralism that has always characterized our discipline.

This year the IAHR held a special conference in Aarhus, Denmark on "Rationality and the Study of Religion" and a regional conference in Bogota, Columbia which includes the "VI Congreso Latinoamericano de Religion y Etnicidad". Both conferences were held in June. The Executive Committee of the IAHR met in Aarhus to decide on a number of important issues. Further information will be provided in the IAHR Bulletin slated to appear at the end of June. The IAHR has also co-sponsored an international colloquium together with the International Society for Sociology of Religions and the Association for the Study of Religious Phenomenon (Florence) on "The Religious Factor and the European and World Geostrategy" in Florence, Italy.

Finally, the Executive Committee is currently developing individual subscriptions to the IAHR Bulletin and is constructing the IAHR homepage on the World Wide Web. For further information on these and all other IAHR related matters please contact the General Secretary.

Dept. of the Study of Religion
University of Aarhus
Main Building
DK-8000 Aarhus C, Denmark
e-mail: geertz@teologi.aau.dk

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